

JOSEPH LEBLANC

*

NO. 2007-CA-1168

VERSUS

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COURT OF APPEAL

DEPARTMENT OF POLICE

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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CANNIZZARO, J., CONCURS WITH REASONS

The appellant, Joseph LeBlanc, sets forth two (2) assignments of error. First, he urges that the Civil Service Commission (“CSC”) committed manifest error in dismissing his appeal since, under the conditions created by Hurricane Katrina, no discipline was warranted in this case. In the second assignment of error, he argues that the CSC committed manifest error in denying his appeal because the discipline imposed by the Appointing Authority was excessive.

Since Mr. LeBlanc stipulated to the fact that he had not reported to work for his assigned shift on August 28, 2005, and had abandoned his position after Hurricane Katrina in order to attend to family and personal matters, the CSC was not manifestly erroneous in upholding the disciplinary action taken by the Appointing Authority. *See Walters v. Department of Police of New Orleans*, 454 So. 2d 106, 112-113 (La. 1984); *Cittadino v. Department of Police*, 558 So. 2d 1311 (La. App. 4 Cir. 1990). Furthermore, discipline was authorized as a result of Mr. LeBlanc’s actions. *See Walters*, 454 So. 2d at 114.

Finally, the discipline imposed was not excessive in that it was consistent with the uniform amount of discipline set forth by the Superintendent for those officers who were missing for the same amount of time as was Mr. LeBlanc and the punishment was commensurate with the infraction committed by Mr. LeBlanc given that his conduct clearly exacerbated an already critical situation.

Thus, I find the appellant’s assignments of error are without merit.

