



CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE
SUITE 900 – 1340 POYDRAS ST.
NEW ORLEANS LA 70112
(504) 658-3500 FAX NO. (504) 658-3598

CITY CIVIL SERVICE COMMISSION
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JOHN KORN, VICE-CHAIRPERSON
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AMY TREPAGNIER
DIRECTOR OF PERSONNEL

Monday, July 28, 2025

Mr. Jack Bohannon
1340 Poydras St, Ste. 600
New Orleans, LA 70112

Re: **Catina Braxton Robertson VS.
Sewerage & Water Board
Docket Number: 9656**

Dear Mr. Bohannon:

Attached is the decision of the City Civil Service Commission in the above-referenced appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 7/28/2025 - filed in the Office of the Civil Service Commission at 1340 Poydras St. Suite 900, Orleans Tower, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal must conform to the deadlines established by the Commission's Rules and Article X, 12(B) of the Louisiana Constitution. Further, any such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in blue ink that reads "Doddie K. Smith".

Doddie K. Smith
Chief, Management Services Division

cc: Ron Spooner, Interim
Chanelle Collins
Jay Ginsberg
Catina Braxton Robertson

file

**CIVIL SERVICE COMMISSION
CITY OF NEW ORLEANS**

**CATINA BRAXTON-ROBERTSON,
Appellant**

Docket No. 9656

v.

**SEWERAGE & WATER BOARD,
Appointing Authority**

DECISION

Appellant, Catina Braxton-Robertson, brings this appeal pursuant to Article X, § 8(A) of the Louisiana Constitution and this Commission's Rule II, § 4.1 seeking relief from the termination of her employment effective August 16, 2024. (Ex. HE-1). At all relevant times, Appellant had permanent status as a Water Services Inspector II. (Tr. at 38). A Hearing Examiner, appointed by the Commission, presided over a hearing on November 14, 2024. At this hearing, both parties had an opportunity to call witnesses and present evidence.

The undersigned Commissioners have reviewed and analyzed the entire record in this matter, including the transcript from the hearing, all exhibits submitted at the hearing, the post-hearing briefs submitted by the parties, the Hearing Examiner's report dated March 6, 2025, and controlling Louisiana law.

For the reasons set forth below, Ms. Braxton-Robertson's appeal is DENIED.

I. FACTUAL BACKGROUND

Ms. Braxton-Robertson sustained a work injury to her knee on or before May 26, 2015. (Ex. SWB-1). The Sewerage & Water Board provided workers' compensation benefits to Ms. Braxton-Robertson for this injury. (Tr. at 8). The Sewerage & Water Board terminated Ms. Braxton-Robertson's employment on July 21, 2023, for worker's compensation fraud, among

other allegations. *Braxton-Robertson v. Sewerage & Water Board*, Nos. 9583, 9498 (Civil Service Commission 4/9/24)¹. Ms. Braxton-Robertson appealed this termination, and the Civil Service Commission ordered her reinstatement in its April 9, 2024, decision. *Id.* Prior to her 2023 termination of employment, Ms. Braxton-Robertson had worked as a Water Service Inspector III, driving a vehicle to perform inspections and turn water service on and off. *Id.*

Because the Sewerage & Water Board Risk Manager had determined that Ms. Braxton-Robertson could no longer drive a Sewerage & Water Board vehicle before her 2023 termination of employment, upon her reinstatement in June of 2024, the Sewerage & Water Board assigned Ms. Braxton-Robertson to meter reading duties requiring walking between three and six miles per day and bending and stooping.² (Tr. at 18, 39). Ms. Braxton-Robertson aggravated her pre-existing injury, suffering from knee pain and swelling. (Tr. at 41). Her treating physician placed her on light duty, and the Sewerage & Water Board provided a temporary light-duty position beginning June 27, 2024. (Tr. at 8-9). The Sewerage & Water Board does not offer permanent light-duty positions, and the sick and annual leave available to Ms. Braxton-Robertson was negligible. (Tr. at 8-9, 51). Ms. Braxton-Robertson testified she hopes to return to full duty. (Tr. at 46). Korye Delarge, the Workers' Compensation Manager for the Sewerage & Water Board, testified that after she reviewed Ms. Braxton-Robertson's medical records, she recommended the

¹ A copy of this decision is publicly available at [Braxton Robertson Decision 9483 9498 - signed.pdf](#),

² After the Sewerage & Water Board reinstated her in 2024, Ms. Braxton-Robertson appeared before the Commission, asserting that she was reinstated to a less desirable position. The Commission required the Sewerage & Water Board to supply documentation of the removal of Ms. Braxton-Robertson's driving privileges. See *Braxton-Robertson v. Sewerage & Water Board*, Nos. 9583, 9498 (Commission Minute Entry 7/19/24). A copy of this minute entry is available publicly at [Catina Braxton v SWBNO 9483 9498.pdf](#). The Sewerage & Water Board complied with this order. The parties have stipulated that the Sewerage & Water Board removed Ms. Braxton-Robertson's driving duties before the termination of her employment is 2023. (Tr. at 51).

termination of her employment because she was unable to fulfill her duties as a meter reader. (Tr. at 12-15).

II. ANALYSIS

The Sewerage & Water Board terminated Ms. Braxton-Robertson's employment under Civil Service Rule IX based on her inability to perform her job duties. Civil Service Rule IX, Section 1.1 provides as follows, in pertinent part:

When an employee in the classified service is *unable or unwilling to perform the duties of his/her position in a satisfactory manner . . .* the appointing authority shall take action warranted by the circumstances to maintain the standards of effective service. The action may include one or more of the following:

(a) termination from the service.

(emphasis added). In *Muhammad v. New Orleans Police Dep't*, 2000-1034 (La. App. 4 Cir. 7/11/01), 791 So. 2d 788, the Department of Police terminated Officer Muhammad's employment based on his admitted inability to perform his job duties because of his medical condition. The Commission denied Officer Muhammad's appeal of his termination based on Civil Service Rule IX, and the Fourth Circuit Court of Appeal affirmed the Commission's decision. *Id.*, 791 So. 2d at 792. The Fourth Circuit Court of Appeal also affirmed the Commission's reinstatement of an employee who was not permanently disabled and who had not yet exhausted all her accrued leave. *Wilson v. Dep't of Property Mgmt.*, 2016-1124 (La. App. 4 Cir. 5/10/17), 220 So. 3d 144, a decision upon which Appellant relies in post-hearing briefing. In this appeal, Ms. Braxton-Robertson has negligible leave, and she has been unable to perform the duties of a meter reader since at least June 27, 2024. Although she testified that she hopes to return to full duty, she is unable to provide a timeline for this return. (Tr. at 46). Appellant also relies on *Marziale v. Dep't of Police*, 2006-0459 (La. App. 4 Cir. 11/8/06), 944 So. 2d 760, *writ denied*, 2006-2916 (La.

2/2/07), 948 So. 2d 1089. The Fourth Circuit Court of Appeal reversed the Commission's decision denying Officer Marziale's appeal, but the Department of Police had never offered light duty work to Officer Marziale. *Id.* At the time of Officer Marziale's pre-termination hearing, his physician had opined that Officer Marziale could return to work in three months. *Id.*, 944 So. 2d at 768 n.3. This appeal is also distinguishable from *Laviolette v. Dep't of Police*, 2016-0095 (La. App. 4 Cir. 8/24/16), 200 So. 3d 962, 967, where the Fourth Circuit Court of Appeal affirmed the Commission's grant of Captain Laviolette's appeal of his termination. Captain Laviolette had "ample sick leave" and "was taking affirmative steps to return to work." *Id.* Ms. Braxton-Robertson has negligible leave, and her attempt to obtain her physician's release to full duty in August of 2024 was short-lived. (Tr. at 45).

"It is well-settled that, in an appeal before the Commission pursuant to Article X, § 8(A) of the Louisiana Constitution, the appointing authority has the burden of proving by a preponderance of the evidence: 1) the occurrence of the complained of activity, and 2) that the conduct complained of impaired the efficiency of the public service in which the appointing authority is engaged. *Gast v. Dep't of Police*, 2013-0781 (La. App. 4 Cir. 3/13/14), 137 So. 3d 731, 733 (quoting *Cure v. Dep't of Police*, 2007-0166 (La. App. 4 Cir. 8/1/07), 964 So. 2d 1093, 1094). Ms. Braxton-Robertson's inability to perform her job duties has impaired the efficiency of Sewerage & Water Board because the Sewerage & Water Board is not receiving the services of a meter reader or a water inspector.

Ms. Braxton-Robertson's appeal is DENIED.

WRITER:



John H Korn (Jul 27, 2025 12:32:12 EDT)

JOHN KORN, VICE-CHAIRPERSON

CONCUR:



Ruth Davis (Jul 24, 2025 08:10:29 CDT)

RUTH DAVIS, COMMISSIONER



Andrew Monteverde (Jul 25, 2025 17:56:44 CDT)

ANDREW MONTEVERDE, COMMISSIONER