

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2004 CA 1105

PAUL W. STOUT

VERSUS

STATE OF LOUISIANA THROUGH  
LOUISIANA STATE UNIVERSITY

Judgment rendered: May 6, 2005

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On Appeal from District 5  
Office of Workers' Compensation Administration  
Docket Number: 02-02824  
Honorable Pamela A. Moses-Laramore, Judge Presiding

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Counsel for Appellant  
State of Louisiana

BEFORE: WHIPPLE, DOWNING AND HUGHES, JJ.

**DOWNING, J.**

The state appeals an Office of Workers' Compensation Court (WCC) judgment decreeing that plaintiff was entitled to benefits because of injuries he sustained during a fight with a co-employee on the jobsite. The sole issue for review is whether the WCC was manifestly erroneous in finding that plaintiff was not the "initial physical aggressor in an unprovoked physical altercation," pursuant to La.R.S. 23:1081(1)(c), and thus precluded from benefits.

We conclude that the WCC's oral reasons adequately explain how she made her determinations. A thorough review of the record and the evidence supports her decision. Therefore, we affirm in accordance with Uniform Court of Appeal Rule 2-16.2A(2), (4), (5) and (10). All costs of this appeal in the amount of \$646.80 are assessed against plaintiff-appellant, the State of Louisiana, through L.S.U.

**AFFIRMED.**