

**MICHAEL MURPHY**

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**NO. 2025-CA-0722**

**VERSUS**

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**COURT OF APPEAL**

**NEW ORLEANS FIRE  
DEPARTMENT**

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**FOURTH CIRCUIT**

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**STATE OF LOUISIANA**

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APPEAL FROM  
CITY CIVIL SERVICE COMMISSION ORLEANS  
NO. 9697 CW 9698  
Hearing Examiner John Korn

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**Judge Rosemary Ledet**

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(Court composed of Judge Joy Cossich Lobrano, Judge Rosemary Ledet, Judge  
Tiffany Gautier Chase)

**LOBRANO, J., CONCURS WITH REASONS**

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**REVERSED**  
April 28, 2026

*RML*

*TGC*

This appeal results from the discipline imposed upon a New Orleans firefighter for his failure to wear a seatbelt twice while operating a fire truck. The violations were captured on video.

Upon review, we find that video evidence of the infractions does not remove the procedural protections provided in the Firefighter Bill of Rights. Accordingly, as the firefighter was not given a written notice of investigation, we find the discipline imposed by the Civil Service Commission was an absolute nullity.

#### **FACTUAL BACKGROUND AND PROCEDURAL HISTORY**

The facts are undisputed. On December 2, and 11, 2024, Michael Murphy (“Mr. Murphy”), an operator for the New Orleans Fire Department (“NOFD”), failed to fasten his seatbelt prior to operating the fire truck. As a result, the SAMSARA<sup>1</sup> vehicle monitoring system automatically sent alerts of the violations to the NOFD. Documentation of Disciplinary Action was completed by the Initiating Officer within three days of each infraction. Mr. Murphy was instructed

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<sup>1</sup> SAMSARA is an artificial intelligence system that scans the interior of the fire truck and monitors usage for any violations. The system automatically sends alerts to the NOFD, and, depending on the type of violation, will also issue an alert inside the fire truck.

to compose “special reports” regarding the two violations. The District Chiefs then required Mr. Murphy to revise his special reports numerous times. Mr. Murphy participated in a pre-disciplinary hearing with a union representative. Mr. Murphy was given a twelve-hour suspension for the initial violation and a twenty-four-hour suspension for the second violation.

Mr. Murphy appealed the decision to the Civil Service Commission (“CSC”), contending the Firefighter Bill of Rights, La. R.S. 33:2181 *et seq.*, was not followed because Mr. Murphy did not receive “written documentation related to his alleged misconduct and the disciplinary investigation conducted by NOFD.”

The CSC issued a two-to-one decision upholding the suspensions and found that the Firefighter Bill of Rights did not apply because no formal investigation occurred. Further, the CSC determined the discipline was commensurate with the seatbelt violations.

Mr. Murphy appeals, asserting: 1) “[t]he conclusions reached and the penalty imposed (suspension) were arbitrary, capricious, and unreasonable and without any basis in fact or law”; and 2) “[t]he [CSC] erred in refusing to apply the provisions of the Louisiana Firefighter Bill of Rights, R.S. §33:2181 *et seq.*, with respect to any aspect of the Appointing Authority’s administration of ‘discipline’ and a ‘penalty.’ ”

### **STANDARD OF REVIEW**

Factual findings made by the CSC are reviewed with the manifest error/clearly erroneous standard of review. *Orazio v. Dep’t of Police*, 2019-0230, p. 7 (La. App. 4 Cir. 6/19/19), 275 So.3d 340, 345. “An appellate court accords great deference to mixed questions of fact and law.” *Id.* However, “[w]hen the [CSC]’s decision involves legal issues such as jurisdiction, procedure, and

interpretation of laws or regulations, ‘appellate courts give no special weight to the findings of the trial court, but exercise their constitutional duty to review questions of law and render judgment on the record.’ ” *Achord v. Dep’t of Fire*, 2018-0635, pp. 4-5 (La. App. 4 Cir. 12/27/18), 318 So.3d 816, 819 (quoting *Russell v. Mosquito Control Bd.*, 2006-0346, p. 7 (La. App. 4 Cir. 9/27/06), 941 So.2d 634, 639). This is also known as the *de novo* standard of review. *Morales v. Off. of Inspector Gen.*, 2022-0216, p. 8 (La. App. 4 Cir. 10/5/22), 366 So.3d 526, 534.

### **FIREFIGHTER BILL OF RIGHTS**

We are tasked with determining whether the NOFD conducted a formal investigation into Mr. Murphy’s infractions and whether the capturing of Mr. Murphy’s infractions on the SAMSARA monitoring system obviates the need to adhere to the Firefighter Bill of Rights.

“[T]he Firefighter[] Bill of Rights, confers specific procedural protections upon firefighters under disciplinary investigation.” *Pitre v. Dep’t of Fire*, 2021-0632, p. 8 (La. App. 4 Cir. 4/20/22), 338 So.3d 70, 76. Louisiana Revised Statutes 33:2181(B), a portion of the Firefighter Bill of Rights, provides:

B. Whenever a fire employee is under investigation, the following minimum standards shall apply:

(1) Prior to commencing a formal investigation of a fire employee, the appointing authority shall notify the employee in writing of the nature of the investigation, of the identity and authority of the person conducting such investigation, and of the specific charges or violations being investigated.

(2) The fire employee being investigated shall be informed in writing at the commencement of any interrogation of the nature of the investigation, of the identity and authority of the person conducting such investigation, of the identity of all persons present during such interrogation, and of the specific charges or violations being investigated. The fire employee shall be allowed to make notes.

(3) Any interrogation of a fire employee in connection with an investigation shall be for a reasonable period of time and shall allow for reasonable periods for the rest and personal necessities of such fire employee.

(4) All interrogations of any fire employee in connection with the investigation shall be recorded in full. The fire employee shall not be prohibited from obtaining a copy of the recording or transcript of the recording of his statements, upon submitting a written request to the fire chief.

(5) The fire employee shall be entitled to the presence of his counsel or representative, or both, at any interrogation in connection with the investigation. The fire employee's representative or counsel shall be allowed to offer advice to the employee and to make statements on the record at any interrogation in the course of the investigation.

(6) The counsel or representative for the fire employee under investigation may call witnesses to testify on the employee's behalf.

(7) No statement made by a fire employee during the course of an administrative investigation shall be admissible in a criminal proceeding.

Thus, “[t]he Firefighter Bill of Rights requires the department to notify an employee in writing before a formal investigation of the nature of the investigation, the identity and authority of the person investigating, and the specific charges or violations being investigated.” *Farrelly v. Jefferson Par. E. Bank Consol. Fire Dist.*, 2019-216, p. 3 (La. App. 5 Cir. 12/4/19), 284 So.3d 680, 683. Further, “[a]ny discipline, demotion, dismissal or adverse action of any sort taken against a fire employee without complete compliance with the provisions of this Subpart is an absolute nullity.” La. R.S. 33:2181(C).

It is undisputed that Mr. Murphy did not receive a written notice of investigation, a written notice of pre-disciplinary hearing, or other written document outlining the specifics of a disciplinary investigation or the people involved in same. However, Mr. Murphy contends the “investigation began no

later than the date [Mr.] Murphy received disciplinary charging documents on December 20, 2024.”

Conversely, the NOFD asserts that no formal investigation was warranted or conducted due to the conclusive SAMSARA video evidence of Mr. Murphy’s infractions. Nonetheless, the NOFD contends, “[t]o the extent any investigation was conducted, which is denied, it was informal and had not arisen to the level of a formal investigation and the required procedural steps pursuant to La R.S. §33:2181(B).”

### ***Formal Investigation***

We must determine whether the NOFD conducted a formal investigation of Mr. Murphy.

As stated above, the NOFD is required to provide notice in writing of a formal investigation into a firefighter’s conduct. “The Louisiana Attorney General’s office has interpreted La. R.S. 33:2181 as applying to all situations when an authorized person makes an inquiry or collects evidence with a view to disciplinary action.” *Farrelly*, 2019-216, p. 4, 284 So.3d at 683 (citing La. Att’y Gen. Op. No. 13-0207, 2014 WL 1404481). This Court held that a formal investigation began when the NOFD was made aware of the firefighter’s alleged behavior and evidence was received. *Bruner v. New Orleans Fire Dep’t*, 2025-0386, p. 3 (La. App. 4 Cir. 12/15/25), \_\_\_ So. 3d \_\_\_, \_\_\_, 2025 WL 3628273, \*6 (observing that “we find that the investigation . . . commenced . . . when NOFD was informed of [firefighter]’s misconduct and requested, and received evidence of his misconduct on the same date”).

We agree with Mr. Murphy and the dissenting Civil Service Commissioner that issuing the charging documents on December 20, 2024, exceeded the scope of

an initial inquiry. After receiving the charging documents, Mr. Murphy was required to revise the special reports he was ordered to compose following the infractions. Mr. Murphy then participated in a pre-disciplinary hearing. La. R.S. 33:2186(A) states: “[a]ny investigation of a fire employee which is conducted pursuant to this Subpart shall be completed within sixty days, including the conducting of any pre-disciplinary hearing or conference,” which alludes to the conclusion that a pre-disciplinary hearing is part of the investigatory process. Further, the presence of Mr. Murphy’s union representative at the hearing also supports the contention that Mr. Murphy was under a formal investigation, as La. R.S. 33:2181(B)(5) provides that “[t]he fire employee shall be entitled to the presence of his counsel or representative, or both, at any interrogation in connection with the investigation.” The importance of compliance with the Firefighter Bill of Rights is significant. As this Court stated:

“The rights of fire employees under the statute cannot be subverted by manipulating or disguising the form of query so as to make the Firefighters Bill of Rights meaningless. The nature of an ‘inquiry’ in each case must be considered on its own circumstances, and the characterization of a meeting by the appointing authority does not determine its true nature.”

*Pitre*, 2021-0632, p. 12, 338 So.3d at 78 (quoting *Bergeron v. City of Kenner*, 2010-229, p. 7 (La. App. 5 Cir. 10/26/10), 51 So.3d 143, 147).

Further, we find that the SAMSARA footage cannot be used to obviate compliance with the Firefighter Bill of Rights.

There is no jurisprudence regarding the impact of the SAMSARA vehicle monitoring system on the application of the Firefighter Bill of Rights. However, this Court notes there are numerous cases wherein a video recording of the incident(s) or a component thereof was entered into evidence. Notwithstanding the

video evidence, these cases required adherence to the Firefighter Bill of Rights. *See Bruner*, 2025-0386, \_\_\_ So.3d \_\_\_, 2025 WL 3628273 (EMS in-vehicle monitoring system captured traffic violations, but the Firefighter Bill of Rights was followed); *Ebbs v. New Orleans Fire Dep't*, 2022-0185 (La. App. 4 Cir. 12/28/22), 355 So.3d 1115, 1122 (real time crime camera footage proving firefighter was not truthful about his workers' compensation claim, but Firefighter Bill of Rights was enforced); *Pitre*, 2021-0632, 338 So.3d 70 (real time crime camera footage proving firefighter was not truthful about another employee's workers' compensation claim, but Firefighter Bill of Rights was applied). *See also Bracey v. City of Alexandria*, 2011-621 (La. App. 3 Cir. 2/1/12), 84 So.3d 669 (surveillance footage proved firefighter was not truthful about reasons for obtaining sick leave, but Firefighter Bill of Rights was required).

The jurisprudential precedent applying the Firefighter Bill of Rights to cases wherein video evidence of the alleged wrongdoing existed is analogous. We find that the SAMSARA evidence should be given the same weight. The NOFD conducted a formal investigation of Mr. Murphy's seatbelt violations without providing written notice of an investigation. The SAMSARA evidence does not abrogate the Firefighter Bill of Rights. Accordingly, we find that Mr. Murphy's discipline was an absolute nullity.

### **DECREE**

For the above-mentioned reasons, we find the CSC legally erred by finding that no formal investigation occurred. As Mr. Murphy was never provided notice, his discipline was an absolute nullity. The CSC's decision is reversed.

**REVERSED**