

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**PTOB**

\_\_\_\_\_  
[NAME]  
\_\_\_\_\_  
[ADDRESS]  
\_\_\_\_\_  
[ADDRESS]  
\_\_\_\_\_  
[PHONE]  
\_\_\_\_\_  
[E-MAIL]

Petitioner, In Proper Person

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

\_\_\_\_\_  
\_\_\_\_\_,  
Petitioner,  
  
vs.  
  
EMPLOYMENT SECURITY DIVISION, STATE  
OF NEVADA and LYNDIA PARVEN in her  
capacity as Administrator of the EMPLOYMENT  
SECURITY DIVISION; J. THOMAS SUSICH, in  
his capacity as Chairperson of the EMPLOYMENT  
SECURITY DIVISION BOARD OF REVIEW, and  
\_\_\_\_\_,  
as employer,  
  
Respondents.

Case No.:  
Dept. No.:

**PETITIONER'S OPENING BRIEF IN SUPPORT OF  
PETITION FOR JUDICIAL REVIEW**

COMES NOW, Petitioner, \_\_\_\_\_, in proper  
person, and submits the following Opening Brief in Support of her/his Petition for Judicial  
Review.

1 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

2 Respectfully submitted,

3 By:

4 [SIGNATURE] \_\_\_\_\_

[NAME] \_\_\_\_\_

5 [ADDRESS] \_\_\_\_\_

6 [ADDRESS] \_\_\_\_\_

7 [PHONE] \_\_\_\_\_

8 [E-MAIL] \_\_\_\_\_

9 Petitioner, In Proper Person

10 **TABLE OF CONTENTS**

11 Page

12 I. STATEMENT OF THE CASE.....

13 A. Nature Of The Case.....

14 B. Course Of Proceedings.....

15 C. Statement Of Facts .....

16 II. STANDARD OF REVIEW .....

17 III. ARGUMENT .....

18 A. The Appeals Referee's Decision Was Not Support by Substantial  
19 Evidence Because \_\_\_\_\_.....

20 B. The Appeals Referee's Decision Clearly Erroneous as a Matter of  
21 Law Because \_\_\_\_\_.....

22 III. CONCLUSION.....

1 **I. STATEMENT OF THE CASE**

2 **A. Nature of the Case**

3 Pursuant to NRS 612.530, this is a Petition for Judicial Review of Respondent Nevada  
4 Employment Security Division's (hereinafter "ESD") denial of unemployment benefits to  
5 Petitioner \_\_\_\_\_ (hereinafter "Petitioner").

6 **B. Course of Proceedings**

7 Petitioner was employed at \_\_\_\_\_ from  
8 \_\_\_\_\_ until \_\_\_\_\_. Petitioner filed for unemployment  
9 benefits with ESD and on \_\_\_\_\_, was [AWARDED OR DENIED] benefits.  
10 (Record, p. \_\_\_\_.)

11 [PETITIONER OR EMPLOYER] timely appealed this denial by letter dated  
12 \_\_\_\_\_. (Record, p. \_\_\_\_.) On \_\_\_\_\_, a hearing was held  
13 before the appeals referee on Petitioner's eligibility for benefits. (Record, p. \_\_\_\_.)

14 In a written decision dated \_\_\_\_\_, the appeals referee found Petitioner  
15 [ELIGIBLE OR INELIGIBLE] for unemployment benefits pursuant to NRS 612.\_\_\_\_\_.  
16 (Record, p. \_\_\_\_.)

17 [PETITIONER OR EMPLOYER] appealed the Referee's decision to the Board of  
18 Review (hereinafter "Board").

19 On \_\_\_\_\_, the Board entered its decision [DECLINING REVIEW or  
20 AFFIRMING or REVERSING] the decision of the appeals referee. (Record, p. \_\_\_\_.) On  
21 \_\_\_\_\_, [PETITIONER or EMPLOYER] filed the instant Petition for Judicial  
22 Review.

1 **C. Statement of Facts**

2 Petitioner was employed at \_\_\_\_\_ from  
3 \_\_\_\_\_ until \_\_\_\_\_. At the time of Petitioner's separation, [SHE or HE]  
4 was employed as a \_\_\_\_\_. (Record, p. \_\_\_\_.) Petitioner  
5 was terminated on \_\_\_\_\_, allegedly for \_\_\_\_\_  
6 \_\_\_\_\_. (Record, p. \_\_\_\_.)

7 The Notice of Determination from the claims representative [DENIES or GRANTS]  
8 Petitioner's claim for unemployment benefits because \_\_\_\_\_  
9 \_\_\_\_\_. (Record, p. \_\_\_\_.)

10 At the hearing, Petitioner testified that \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_  
18 \_\_\_\_\_  
19 \_\_\_\_\_  
20 \_\_\_\_\_ . (Record, p. \_\_\_\_.)

21 The referee determined that \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

---

---

---

---

---

---

---

---

\_\_\_\_\_ . (Record, p. \_\_\_\_\_.)

**II. STANDARD OF REIVEW**

Pursuant to NRS 612.530(4), if the Board of Review’s finding of facts is supported by evidence and without fraud, the jurisdiction of the court is confined to questions of law. *See also Employment Security Dept. v. Verrati*, 104 Nev. 302, 756 P.2d 1196 (1988).

The district court's function is to review the final administrative determination for arbitrariness, capriciousness, or a lack of substantial evidence. *Employment Security Dept. v. Weber*, 100 Nev. 121, 676 P.2d 1318 (1984). Substantial evidence is that “quantity and quality of evidence which a reasonable person could accept as adequate to support a conclusion.” *Employment Security Dept. v. Cline*, 109 Nev. 74, 847 P.2d 736 (1993). *Employment Security Dept. v. Hilton Hotels*, 102 Nev. 606, 608 n.1, 729 P.2d 497, 498 n.1 (1986) (citation omitted).

The court must review de novo all questions of law including an agency’s interpretation of a statute. *SIIS v. United Exposition Services*, 109 Nev. Adv. Op 5 (1993); *Employment Security Dept. v. Capri Resorts*, 104 Nev. 527, 763 P.2d 50, 51 (1988); *Jones vs. Rosner*, 102 Nev. 215, 719 P. 2d 805, 806 (1986).

1 **III. ARGUMENT**

2 **A. The Appeals Referee's Decision Was Not Support by Substantial**  
3 **Evidence Because** \_\_\_\_\_

4 \_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_

7 \_\_\_\_\_

8 \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

11 \_\_\_\_\_

12 \_\_\_\_\_

13 \_\_\_\_\_

14 \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17 \_\_\_\_\_

18 **B. The Appeals Referee's Decision Was Clearly Erroneous as a Matter of**  
19 **Law Because** \_\_\_\_\_

20 \_\_\_\_\_

21 \_\_\_\_\_

22 \_\_\_\_\_

23 \_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**V. CONCLUSION**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Respectfully submitted,

By:

\_\_\_\_\_  
[SIGNATURE]

\_\_\_\_\_  
[NAME]

\_\_\_\_\_  
[ADDRESS]

\_\_\_\_\_  
[ADDRESS]

\_\_\_\_\_  
[PHONE]

\_\_\_\_\_  
[E-MAIL]

**Petitioner, In Proper Person**



**CERTIFICATE OF MAILING**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I served the foregoing Petitioner’s Opening Brief In Support Of Petition For Judicial Review, upon the following person(s), by depositing a copy of same in a sealed envelope in the United States Mail, postage pre-paid, to the following:

Troy C. Jordan, Esq.  
State of Nevada, Department of Employment, Training & Rehabilitation  
Employment Security Division  
500 East Third Street  
Carson City, NV 89713

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
*Signature of Person Mailing Document*  
\_\_\_\_\_  
*(Printed Name)*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24