

IN THE SUPREME COURT OF THE STATE OF NEVADA

GERALDINE TRICE,
Appellant,
vs.
CLARK COUNTY SCHOOL DISTRICT,
Respondent.

No. 44268

FILED

JAN 31 2007

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

This is a proper person appeal from a district court order denying judicial review in a workers' compensation case. Eighth Judicial District Court, Clark County; David Wall, Judge.

The parties are familiar with the facts, and we do not recount them except as pertinent to our disposition.

In an appeal from a district court order denying a petition for judicial review, this court, like the district court, examines the administrative body's decision for clear error or for an arbitrary abuse of discretion.¹ While purely legal determinations are reviewed independently, an appeals officer's fact-based conclusions of law are entitled to deference, and those conclusions will not be disturbed if they are supported by substantial evidence.² Substantial evidence is "that which a 'reasonable mind might accept as adequate to support a

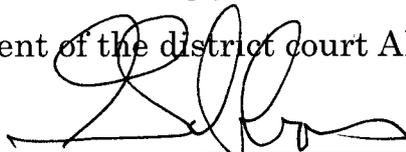
¹Construction Indus. v. Chalue, 119 Nev. 348, 352, 74 P.3d 595, 597 (2003); SIIS v. Engel, 114 Nev. 1372, 1374, 971 P.2d 793, 795 (1998).

²See Barrick Goldstrike Mine v. Peterson, 116 Nev. 541, 547, 2 P.3d 850, 853 (2000).

conclusion.”³ Nor will this court substitute its judgment for that of the appeals officer as to the weight of evidence.⁴ Our review is limited to the record before the appeals officer.⁵

Having reviewed the administrative record and considered the parties’ arguments, we conclude that the district court did not err in denying appellant Geraldine Trice’s petition for judicial review. We conclude that the appeals officer’s determinations were not affected by clear error or by an arbitrary abuse of discretion, and we further conclude that there is substantial evidence in the administrative record to support the appeals officer’s conclusions. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

³Chalue, 119 Nev. at 352, 74 P.3d at 597 (quoting Richardson v. Perales, 402 U.S. 389, 401 (1971)).

⁴Id.

⁵Ayala v. Caesars Palace, 119 Nev. 232, 235, 71 P.3d 490, 491 (2003).

cc: Hon. David Wall, District Judge
Larry J. Cohen, Settlement Judge
Geraldine Trice
Carrie S. Bourdeau
Eighth District Court Clerk