IN THE SUPREME COURT OF THE STATE OF NEVADA

SUSAN REEVES,
Appellant,
vs.
BALLY'S GRAND HOTEL & CASINO,
Respondent.

No. 57823

FILED

APR 12 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying a petition for judicial review in a workers' compensation matter. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

Appellant sustained an industrial injury in September 1988, and in September 2006, respondent closed appellant's workers' compensation claim. While this decision was in the administrative appeals process, appellant requested that the scope of her claim be expanded to include injuries from falls that she attributed to dizziness resulting from her industrial injury. Respondent denied the request to expand the scope of her claim, and the hearing officer affirmed the denial. The hearing officer also subsequently affirmed the claim closure. Appellant filed appeals from both determinations, which were consolidated before the appeals officer. In December 2009, the appeals officer affirmed both the claim closure and the denial of claim expansion, finding that appellant failed to establish that she was entitled to further medical treatment or that her new injuries were caused by her industrial

injury. Appellant filed a petition for judicial review, which the district court denied.[1] This appeal followed.

This court reviews an appeals officer's decision in a workers' compensation matter for clear error or abuse of discretion. Vredenburg v. Sedgwick CMS, 124 Nev. 553, 557, 188 P.3d 1084, 1087-88 (2008). On issues of fact, the appeals officer's decision will not be disturbed if it is supported by substantial evidence, which is "evidence that a reasonable person could accept as adequately supporting a conclusion." Id. at 557 & n.4, 188 P.3d at 1087 & n.4. An appeals officer's determination on pure issues of law is reviewed de novo. Roberts v. SIIS, 114 Nev. 364, 367, 956 P.2d 790, 792 (1998). When the conclusions of law are closely related to the agency's view of the facts, however, they are entitled to deference and will also not be disturbed if supported by substantial evidence. Campbell v. State, Dep't of Taxation, 109 Nev. 512, 516, 853 P.2d 717, 719 (1993).

On appeal, appellant argues that the appeals officer erred by finding that the evidence supported the closure of her claim.[2] In 2003, the

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[1]Appellant also filed a motion to submit new evidence with the district court, to which respondent filed an opposition and a motion to strike. The district court did not address the motions in its order, and this court considers the motions denied. See Bd. of Gallery of History v. Datecs Corp., 116 Nev. 286, 289, 994 P.2d 1149, 1150 (2000) (noting that the district court's failure to rule on a request for attorney fees constituted a denial of the request). We perceive no error in the denial of the motion to supplement the record. See NRS 233B.131 (governing the presentation of additional evidence); NRS 233B.135 (explaining that judicial review is generally confined to the administrative record).

[2]Appellant also argues that the appeals officer did not apply the proper statutory requirements in closing her claim. The statute referenced by appellant, however, applies to the cessation of temporary total disability benefits, which is not at issue in this matter. See NRS 616C.475.

appeals officer ordered that appellant's claim remain open for benefits and specifically delineated treatment for appellant's somatoform disorder. The insurer issued a letter to appellant in January 2004, interpreting the 2003 order as limiting treatment to the somatoform disorder only. Appellant did not challenge this interpretation until her 2006 appeal, and the appeals officer apparently agreed with this interpretation. See State, Dep't of Commerce v. Soeller, 98 Nev. 579, 586, 656 P.2d 224, 228 (1982) (holding that when the agency fails to make a necessary finding of fact, we "may imply the necessary factual findings," so long as the agency's "conclusion itself" provides a proper basis for the implied finding). The administrative record indicates that appellant subsequently received medical and psychological treatment and physical therapy from specific providers, but that such treatment and therapy ceased by 2006. While appellant asserts that she still suffers symptoms of her industrial injury, the treating physicians all released appellant from care. These releases provide substantial evidence supporting the determination to close appellant's claim.

Appellant also argues that the appeals officer erred by affirming the denial to expand the scope of her claim to include the injuries she suffered from falling. The broken toes and bruised ribs resulting from the falls were not referenced in appellant's medical records of her industrial claim, and thus did not qualify for compensation since there was no medical evidence to show a causal relationship between these newly developed injuries and appellant's industrial injury. See NRS 616C.160 (providing that a physician must establish by medical evidence a causal relationship between a newly developed injury and the original industrial injury in order for the newly developed injury to be considered

compensable as part of the employee's original claim); Hayes v. SIIS, 114 Nev. 1340, 1343-45, 971 P.2d 1257, 1259-60 (1998). Thus, we conclude that substantial evidence supports the appeals officer's determination that appellant did not present sufficient evidence to show industrial causation of her new injuries. McClanahan v. Raley's, Inc., 117 Nev. 921, 925-26, 34 P.3d 573, 576 (2001) (noting that NRS 616C.150 requires the injured employee to establish by a preponderance of the evidence that the injury is industrial and is thus compensable). Accordingly, we

ORDER the judgment of the district court AFFIRMED.[3]

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. Jerry A. Wiese, District Judge
Susan Reeves
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Eighth District Court Clerk

[3]We have considered appellant's argument regarding the redaction of certain medical record documents, and we conclude that it does not warrant reversal.