

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SALVADOR ACEVES,
Appellant,
vs.
EMPLOYMENT SECURITY DIVISION,
STATE OF NEVADA; RENEE OLSON,
IN HER CAPACITY AS
ADMINISTRATOR OF THE NEVADA
EMPLOYMENT SECURITY DIVISION;
AND KATIE JOHNSON, IN HER
CAPACITY AS CHAIRPERSON OF THE
EMPLOYMENT SECURITY DIVISION
BOARD OF REVIEW,
Respondents.

No. 67413

FILED

SEP 16 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a district court order denying a petition for judicial review in an unemployment action. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

Having reviewed appellant's arguments and the documents before us, we conclude that, under the circumstances presented here, the Employment Security Division Board of Review did not clearly err, act arbitrarily or capriciously, or otherwise abuse its discretion in finding that appellant failed to demonstrate good cause for the untimeliness of his administrative appeal. *See* NRS 233B.135(3) (setting forth the grounds on which an agency decision may be set aside on appeal); *Taylor v. Dep't of Health & Human Servs.*, 129 Nev. ___, ___, 314 P.3d 949, 951 (2013) (explaining that an appellate court "reviews an administrative agency's decision for an abuse of discretion or clear error"). As a result, the Board properly affirmed the dismissal of appellant's administrative appeal and

the district court properly denied appellant's petition for judicial review.¹ See NRS 612.495(1) (providing that a party seeking review of an administrative decision must file an appeal within 11 days after the date of mailing of a notice of determination and that good cause must be shown to extend the 11-day appeal period). Accordingly, we affirm the district court's denial of appellant's petition for judicial review.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Susan Johnson, District Judge
Salvador Aceves
State of Nevada/DETR
Eighth District Court Clerk

¹Appellant asserts on appeal that the district court was unfair in that it denied his petition for judicial review before his hearing date, but appellant was afforded a hearing before the appeals officer, see NRS 612.500(1) (requiring a party to be given "[a] reasonable opportunity for a fair hearing on appeals"), the district court had the administrative record before it when it made its decision, and the district court was required to hear the petition for judicial review "in a summary manner." See NRS 612.530(5). As the district court was not required to wait for the hearing date to decide appellant's petition for judicial review, this does not provide a basis for overturning the denial of the petition.