



HOW TO APPEAL FROM A DENIAL OF UNEMPLOYMENT BENEFITS

Updated September 2020

In order to have a court review a final decision of the board of review, a petition for judicial review must be filed within 11 days of the date the Board of Review's decision becomes final. After service of the petition is completed, the Employment Security Division (ESD) will provide you with copies of your record from the ESD and a copy of the transcript of the hearing before the Appeals Referee. These documents will be helpful in preparing your legal brief and your argument to the court.

The following instructions and attached model petition are intended to assist individuals in proceeding on their own at the initial stage of the review process. The filing and service of the petition within the required time period will preserve your appeal.

There are, however, further documents that must be filed in order to have your appeal heard by the court. These documents, such as a legal brief, are not covered by these instructions and may be difficult for a non-attorney to accomplish. Once you have received a copy of the record, it is suggested that you contact legal counsel before proceeding on your own. A sample Opening Brief, though, is available at <https://nslaw.net/get-legal-help/know-your-rights/work-employment/#uibappealforms>.

INSTRUCTIONS

I. INTRODUCTION

In order to perfect you appeal, you will need to:

1. File a Petition for Judicial Review in the district court of the county where you filed your claim for unemployment benefits (county where you worked);
2. File a Civil Cover Sheet;
3. Pay the required filing fees or request that the court waive the fees by filing an Application to Proceed In Forma Pauperis;
4. Serve the Petition by mailing a copy for all of the individuals/entities listed on the Petition by mailing 4 copies of the petition to the ESD Administrator.

II. COMPLETION OF PETITION FOR JUDICIAL REVIEW

Fill in the blanks in the sample petition as follows:

- Blank #1: Appropriate District
- Blank #2: Applicable County (county where you worked) (NOTE: If filed in the First Judicial District Court in Carson City, this should read IN AND FOR THE COUNTY OF CARSON CITY.)
- Blank #3: YOUR NAME (all in capital letters)
- Blank #4: The name of the opposing employer (all in capital letters)
- Blank #5: YOUR NAME (all in capital letters)
- Blank #6: Date of the decision of the Board of Review
- Blank #7: YOUR NAME (all in capital letters)
- Blank #8: Your written signature
- Blank #9: Your typewritten name (all in capital letters) underneath “In Proper Person” and type your address and telephone number.

III. PREPARING THE PETITION FOR FILING

Once the Petition is signed, you should make 5 copies. Take the original and all copies to the Court for filing along with your Civil Cover Sheet for the appropriate court. The Court will keep the original Petition and return to you all the 5 file-stamped copies. **KEEP ONE COPY FOR YOUR RECORDS.**

IV. SERVE THE PETITION AND THE SUMMONS ON EACH PARTY

You will need to mail 4 of the copies of the Petition for Judicial Review to the ESD Administrator *within 45 days of filing*. The address of the ESD Administrator is:

Kimberly Gaa, Administrator
Employment Security Division
500 E. Third Street
Carson City, Nevada 89713

NOTE: Pursuant to NRS 612.530, Ms. Gaa, as the Administrator, is responsible for mailing the Petition to the other respondents to your petition.

After service is completed, you need to complete the Certificate of Mailing and file it with the court.

V. NEXT STEPS

After you serve the petition on ESD, the agency is responsible for filing the record with the District Court pursuant to NRS 612. Once the record is submitted you will need to prepare and file an Opening Brief within 40 days of the submission of the record unless otherwise ordered by the court. You need to pay attention to any court orders and make sure you file your Opening Brief timely. Your Opening Brief is where you will lay out your legal arguments to support your petition.

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Petitioner in Proper Person

IN THE _____ JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA
IN AND FOR THE COUNTY OF _____

_____,)
)
Petitioner,)
)
vs.)
)
NEVADA EMPLOYMENT SECURITY)
DIVISION, STATE OF NEVADA,)
KIMBERLY GAA, in her capacity)
as ADMINISTRATOR of the)
NEVADA EMPLOYMENT SECURITY)
DIVISION, J. THOMAS SUSICH, in)
his capacity as Chair of the NEVADA)
EMPLOYMENT SECURITY DIVISION)
BOARD OF REVIEW, and)
_____ as the Employer,)
)
Respondents,)
_____)

CASE NO.

DEPT. NO.

PETITION FOR REVIEW OF THE
DECISION OF THE EMPLOYMENT
SECURITY DIVISION

The Petitioner, _____, petitions the court to review the decision of the
Employment Security Division Board of Review, dated _____, finding Petitioner
ineligible for unemployment compensation, and alleges as follows:

1. That the decision was not supported by substantial evidence.
2. That the decision was arbitrary and capricious.
3. That the decision was marked by an abuse of discretion.
4. That the decision was improper as a matter of law.

1 WHEREFORE, the Petitioner, _____, prays for the following relief:

2 1. That the decision of the Employment Security Division be reversed, and the
3 Petitioner be determined to be eligible for the unemployment benefits for which he/she has
4 applied.
5

6 2. That this court grant such other and further relieve as may be just, equitable and
7 proper.
8

9 **Affirmation Pursuant to NRS 239B.030:** The undersigned does hereby affirm that the
10 preceding document does not contain the social security number of any person.

11 DATED this _____ day of _____, ____.

12 Respectfully submitted,

13 _____
14 In Proper Person

15 _____
16 NAME

17 _____
18 ADDRESS

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**IN THE _____ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF _____**

_____,)
)
Petitioner,)
)
-vs-)
)
EMPLOYMENT SECURITY DIVISION, STATE)
OF NEVADA, KIMBERLY GAA, 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 the employer,)
)
Respondents.)
_____)

Case No.
Dept. No.

CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, _____, I placed four
(4) true and correct copies of the PETITION FOR REVIEW OF THE DECISION OF THE
EMPLOYMENT SECURITY DIVISION filed in this matter on _____ in the
United States Mail at _____, Nevada, with first-class postage prepaid, addressed to:

Kimberly Gaa, Administrator
Employment Security Division
500 E. Third Street
Carson City, Nevada 89713

DATED: _____

SIGNED: _____

PRINTED: _____