

**DEPARTMENT OF ADMINISTRATION - HEARINGS DIVISION**  
**RULES OF PRACTICE FOR THE APPEALS OFFICE**  
**(LAS VEGAS)**  
**(NRS 233B.050)**

**PART 1. SCOPE AND PURPOSE OF RULES**

1.01 These Rules of Practice govern the procedure and administration of the Las Vegas Appeals Office of the Department of Administration, Hearings Division and all actions or proceedings cognizable therein. These rules have been adopted in compliance with NRS 233B.050 to facilitate the proper and efficient administration of the business and affairs of the Appeals Office and to promote the administration of justice. The intent of these Rules is to ensure the quick and efficient payment of compensation to employees who are injured or disabled at a reasonable cost to the employers, insurers, third-party administrators, and all other persons or entities who are subject to the provisions of those chapters.

1.02 The Appeals Office requires compliance with the Rules of Practice as well as all applicable regulations contained in the Nevada Administrative Code.

1.03 All deadlines delineated herein are calendar days in accord with NRCP 6(a)(1) unless otherwise stated.

1.04 To avoid *ex parte* communication, all litigants must include all parties and/or their counsel in all electronic communications with Hearings Officers, Appeals Officers, or their assistants.

**PART 2. ASSIGNMENT AND CONSOLIDATION OF CASES**

2.01 The Appeals Office docket appeals using the name of the party that requested the hearing, i.e., Claimant, Employer, Insurer, Division of Industrial Relations, etc.

2.02 New appeals will be assigned on a rotational basis to ensure an equitable caseload among the Appeals Officers. Existing and new appeals having the same claim number may be assigned to the same Appeals Officer.

2.03 The Division will maintain a conflict list for each Appeals Officer. Appeals Officers with known potential conflicts as defined in NAC 616C.2694 shall notify the Division of such conflicts.

2.04 In cases where an Appeals Officer has a listed conflict, the appeal will be assigned to the next Appeals Officer in rotation. Conflicts that are unknown by the Appeals Officer at the time of case assignment may be raised on the record, *sua sponte*, or by a Motion to Recuse filed by a party.

2.05 The Senior Appeals Officer shall have the authority and discretion to assign or reassign all cases pending in the Appeals Office to ensure the expedient and efficient resolution of cases.

2.06 Appeals Officers shall have the authority and discretion to consolidate cases concerning the same claim, parties, and related topics on appeal. Appeals Officers will exercise this authority and discretion for the purpose of promoting the efficient adjudication of related appeals.

### **PART 3. BYPASS OF HEARING OFFICER**

3.01 If all parties agree to bypass the Hearing Officer, they must either file a written request with the Hearings Division or send an e-mail to the Hearing Officer and/or the Hearing Officer's administrative assistant.

3.02 Requests to bypass must include:

- a) a request that the case bypass the Hearing Officer;
- b) a statement that attorneys for all parties agree to bypass the Hearing Officer;
- c) the pending Hearing Officer case number(s);
- d) whether the parties request that the matter(s) be consolidated with a pending Appeal; and
- e) any pending Appeal case number(s).

3.03 Upon receipt of a request to bypass in conformance with Sections 3.01 and 3.02, the Hearings Office will prepare an order of bypass, transferring the matter to the Appeals Office.

### **PART 4. CALENDARING**

4.01 A "Notice of Appeal and Order to Appear" will be issued for each new appeal scheduling the appeal within the parameters set forth in NRS 616C.345. In order to promote the quick and efficient payment of compensation to injured workers consistent with NRS 616A.010, hearings will initially be set on a stacked calendar, with multiple appeals scheduled during the same time slot.

4.02 Hearings set on a stacked calendar shall be administered as follows:

4.02.01 If both parties are prepared to proceed on the stacked calendar, the hearing(s) will proceed in an order determined by the Appeals Officer to promote efficiency.

4.02.02 If a party is not prepared to proceed on the stacked calendar, that party must make its request to continue the hearing to the Appeals Officer and/or the Appeals Officer's administrative assistant via written motion, affidavit, or e-mail in advance of the stacked hearing date consistent with NAC 616C.318(2) and (3). Requests made less than 5 days before the stacked hearing date, including verbal requests made at the time of hearing, may be granted by the Appeals Officer upon a finding of good cause per NAC 616C.318(1).

4.02.03 If both/all parties are not prepared to proceed on the stacked calendar, they must indicate their agreement to continue the hearing to the Appeals Officer and/or the Appeals Officer's administrative assistant via written stipulation or e-mail in advance of the stacked hearing date consistent

with NAC 616C.318(2). Requests made less than 5 days before the stacked hearing, including verbal requests made at the time of hearing, may be granted by the Appeals Officer upon a finding of good cause per NAC 616C.318(1).

4.03 Any appeal that does not proceed to hearing at the time of the stacked setting will be re-set as follows:

4.03.01 For appeals in which the parties agree to hearing readiness but request a time-certain setting, the appeal will be scheduled for a time-certain setting by the Appeals Office.

4.03.02 For appeals in which the parties are not yet both ready for hearing, the appeal will be scheduled for an in-court status check(s) or e-mail status check(s) at intervals per the Appeals Officer's discretion. Once the parties have agreed to hearing readiness, the appeal will be scheduled for a time-certain setting by the Appeals Office.

4.04 The Appeals Officer may dismiss any appeal that does not present a live controversy or in which the appealing party is not aggrieved after providing the appealing party the opportunity to establish otherwise.

4.05 Any request for continuance of a time-certain setting must be in the form of a motion and comply with NRS 616C.345(8) and NAC 616C.312.

## **PART 5. POLICY FAVORING PERSONAL APPEARANCES**

5.01 In response to the Covid-19 pandemic, in-court appearances had been waived and the majority of hearings and status checks were conducted through alternative appearances. Effective July 1, 2023, Governor Lombardo has ordered all State workers to return to pre-pandemic, normal and customary office conditions. *See* Executive Order 2023-002. Accordingly, as of July 1, 2023, the Las Vegas Appeals Office will resume operations with the expectancy of in-court appearances per the pre-pandemic, normal, and customary office conditions.

5.02 Appearances by alternative means (telephonic or GoToMeeting) are permissible for all appearances only upon notification by e-mail or in written filing received by the Appeals Officer and/or the Appeals Officer's administrative assistant no less than twenty-four (24) hours before the scheduled appearance. The notification must contain the name and phone number at which the party or its counsel can be reached for the appearance. A party or its counsel must send the notification for every appearance it wishes to make by alternative means.

5.03 If, at any time during a proceeding in which a party or its counsel is appearing by alternative means, the Appeals Officer determines that an in-court appearance is necessary, the Appeals Officer may continue the matter and require an in-court appearance by a party or its counsel.

**PART 6. SUBMITTING DOCUMENTS TO THE APPEALS OFFICE  
(OTHER THAN EVIDENCE)**

- 6.01 The caption used by the Appeals Office must be used for all pleadings filed following the initial Notice of Hearing. Other parties may be referenced on the first page of the pleading if necessary.
- 6.02 Documents may not be filed by facsimile or e-mail except as provided in NAC 616C.291.
- 6.03 All certificates of mailing for proposed orders must include all parties and/or their counsel (including the office submitting the document).
- 6.04 Documents submitted for an Appeals Officer's signature must include proof of service, which may take the form of a certificate of mailing or a cover letter indicating that a copy of the submitted documents was provided to opposing counsel and any other interested parties.
- 6.05 If the document is to be served by the Appeals Office, the certificate of mailing must be unsigned.
- 6.06 Electronic signatures are permissible on pleadings and stipulations.
- 6.07 If the document is not fully executed it will be returned to the filing attorney's office for completion. This does not include copies of documents that are provided to the Appeals Office to keep the Appeals Officer advised of the progress of the case.

**PART 7. SUBMISSION OF EVIDENCE**

- 7.01 All evidence filed with the Appeals Office must contain a comprehensive index and each document must be individually paginated in accordance with NAC 616C.297.
- 7.02 All documentary evidence over 25 pages in length must be 2-hole punched at the top and secured with "ACCO"-type fasteners.
- 7.03 All documentary evidence submitted must be single-sided.
- 7.04 The comprehensive index filed with each evidence packet must include a certification required by NAC 616C.303 regarding redaction of personal identifying information. No numbers of a social security number should be visible on any document filed with the Appeals Office.
- 7.05 Evidence packets or documents containing personal identifying information in violation of NAC 616C.303 may be rejected by the Appeals Office or a party may be given an opportunity to redact such information at the time of hearing.
- 7.06 All evidence must be submitted in accordance with 616C.297(2).

### **PART 8. STATUS CHECKS**

8.01 The Appeals Officers will schedule status checks to take place either in-court, telephonically, or by e-mail, as needed or as requested by a party or parties to ensure that the case is proceeding to adjudication in a timely manner.

8.02 Each Appeals Officer will have a different day and time window each week dedicated to in-court and telephonic status checks.

8.03 For e-mail status checks, both parties are required to respond on or before the date and time scheduled for the status check as directed in the respective notice.

8.04 If the parties are unavailable or otherwise non-responsive on or before the date and time scheduled for the status check, the Appeals Officer may issue an order to show cause for the failure to appear per NAC 616C.279 and NAC 616C.282.

### **PART 9. INTERPRETERS AND COURT REPORTERS**

9.01 NAC 616C.2755 requires the Appeals Office to schedule an interpreter for those parties who require assistance in interpreting the English language. A party must request an interpreter in writing on the form provided by the Appeals Office. The request must be received by the Appeals Office no later than ten (10) days before the hearing. If the request is not received within a timely manner, the Appeals Office may not be able to schedule the interpreter.

9.02 Telephonic interpreters will be utilized for hearings scheduled on a stacked calendar and for hearings scheduled to take thirty (30) minutes or fewer. When the Appeals Office budget permits, live interpreters will be utilized for hearings scheduled to take more than thirty (30) minutes.

9.03 When a case in which an interpreter has been requested is settled or continued, counsel must notify the Appeals Office no later than 48 business hours prior to the scheduled hearing (this includes cancellations for hearings scheduled on Mondays).

9.04 If the request to cancel an interpreter is not received forty-eight (48) business hours prior to the scheduled hearing, the Appeals Officer may assess the cancellation fee for the interpreter to the cancelling party pursuant to NRS 616D.065.

9.05 This Part applies equally to requests for court reporters.

**PART 10. ENCLOSURES AND ORDERS**

10.01 All motions must include proposed alternate orders. See NAC 616C.312. Failure to include the appropriate orders will delay a decision on the pending motion as the Appeals Office will not prepare these orders.

10.02 A party or counsel who voluntarily withdraws or dismisses an appeal must forward an appropriate order for the Appeals Officer's signature.

10.03 All requests or motions to withdraw as counsel must contain the last known address for the person or entity from whom the lawyer is withdrawing as counsel.

**PART 11. PETITIONS FOR JUDICIAL REVIEW**

11.01 The Appeals Office prepares the certified copy of record of the proceeding on appeal in conformance with NRS 233B.131(1)(b).

11.02 The Appeals Office will not prepare a record of the proceeding on appeal unless the party who files the Petition for Judicial Review serves the Appeals Office with a file-stamped copy of the Petition that contains the District Court case number and department assignment.

11.03 Per NRS 233B.131(1)(a), the party who filed the petition for judicial review is responsible for ordering and transmitting the transcript of the evidence to the reviewing court.