

DEPARTMENT OF ADMINISTRATION - HEARINGS DIVISION
RULES OF PRACTICE FOR THE APPEALS OFFICE
(CARSON CITY)
(NRS 233B.050)

PART 1. SCOPE AND PURPOSE OF RULES

1.01 These Rules of Practice govern the procedure and administration of the Carson City 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 in the NIIA, the NODA or the NAC Chapters 616A-D and Chapter 617.

1.04 All parties shall comport themselves in a respectful, appropriate and professional manner. (NAC 616C.320)

PART 2. ASSIGNMENT AND CONSOLIDATION OF CASES

2.01 New appeals will be assigned on a rotational basis to ensure an equitable caseload among the Appeals Officers. New appeals from a party with a pending appeal concerning the same claim number will be assigned to the Appeals Officer assigned to the pending appeal.

2.02 The Appeals Office will maintain a conflict list for each Appeals Officer. In cases where an Appeals Officer has a listed conflict, the appeal will be assigned to another Appeals Officer. 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. Cases assigned where there is a conflict with all Carson City Appeals Officers will be reassigned and transferred to Las Vegas.

2.03 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.

2.04 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 Claimant is represented by legal counsel and all parties agree to bypass the Hearing Officer, they must submit a request to bypass to the Hearing Officer assigned to the case via written request filed with the Hearings Officer or by e-mail to the Hearing Officer and/or administrative assistant. Verbal requests to bypass will not be accepted. NRS616C.315(7), NAC 616C.275

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 scheduled for hearing within the parameters set forth in NRS 616C.345.

4.02 If a party is not prepared to proceed, that party must make its request to continue the appeal to the Appeals Office by phone with opposing counsel on the line **at least 5 days prior to hearing**. NAC 616C.318. If there is an objection to a request for continuance the parties must have a conference call with the Appeals Officer.

4.03 If both/all parties are not prepared to proceed, they must indicate their agreement to the Appeals Office and make the request to continue the appeal to the Appeals Office by phone with opposing counsel on the line **at least 5 days prior to hearing**. NAC 616C.318.

4.04 If there is no agreement and a party has good cause for a continuance the party may file an affidavit detailing the good cause at least **at least 5 days prior to hearing**. NAC 616C.318

4.05 Any written request for a continuance must comply with NRS 616C.345(8), NAC 616C.312 and NAC 616C.318.

PART 5. POLICY REGARDING PERSONAL APPEARANCES

5.01 Telephonic appearances are the default platform for hearings in Carson City. The parties must provide prior notification of the name and phone number at which the party or its counsel can be reached at the time of the hearing. However, the parties shall **initiate a joint call** to the Appeals Officer for their appearance at the time of hearing.

5.02 Appearances in-person or GoToMeeting for all hearings are permissible. A party or its counsel must send the notification for every appearance it wishes to make by alternative means.

(a). Appearances other than by telephone require a party or its counsel to notify the Appeals Office a **minimum of 3 days prior** to the scheduled appearance and notice must be given for every non-telephonic appearance.

(b) Appearances using GoToMeeting require all parties to agree and to use that platform exclusively for the hearing as GoToMeeting cannot accommodate a combination of appearance methods. However, GoToMeeting does have its own telephonic call-in feature.

(c) In person appearances require notice to all other parties. In person appearances will never be denied. However, a hearing may be continued to allow other parties to also participate in person if necessary.

5.03 Should an Appeals Officer determine that an in person appearance is necessary, the Appeals Officer may continue the matter and order an in person appearance by a party or its counsel.

5.04 Absent good cause, failure to appear at a duly noticed hearing may result in dismissal of the appeal without prejudice. NAC 616C.279(1).

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 email except as provided in NAC 616C.291.

(a) Filing of a document occurs when the original is received by and is in the actual physical custody of the Appeals Office.

(b) Do not send documents by facsimile that exceed 25 pages without prior approval of the Appeals Officer's assistant.

6.03 All documents submitted for an Appeals Officer's signature must note the party submitting the document following the signature line for the Appeals Officer, be signed by that party, and include a cover letter indicating that a copy of the submitted document was provided to opposing counsel and any other interested parties. Any proposed decision and order should **NOT** include the word "proposed" in the title.

6.04 Stipulations must be filed with the Appeals Officer. All parties designated as signatories or their representatives on a stipulation must have signed the original document. As long as the agreement allows, the stipulation may be executed separately by each party so long as a copy of each party's signature page is filed.

6.05 If a 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.

6.06 Failure to file a settlement agreement or dismissal paperwork within 60 days will result in the matter being placed back on calendar for hearing.

6.07 Documents filed with multiple Appeal Numbers in appeals that have not been consolidated will be filed in the appeal with the highest Appeal Number.

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 filed must be **2-hole punched at the top and stapled**, if under 25 pages. If the evidence packet is over 25 pages, the pages must be **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 will be rejected by the Appeals Office.

7.06 All evidence submitted by appellant must be filed 14 days before hearing and all evidence submitted by respondent must be filed 7 days before hearing. Failure to adhere to these requirements may result in continuation of the hearing or exclusion of late filed evidence. Further, the Insurer is required to serve indexed copies of the claimant’s file relating to the matter on appeal within 30 days after the notice of hearing (NAC 616C.282)

7.07 Evidence packets filed with multiple Appeal Numbers in appeals that have not been consolidated will be filed in the appeal with the highest Appeal Number. Evidence must be filed in each case that is not consolidated.

PART 8. STATUS CHECKS

8.01 The Appeals Officers will schedule telephone status checks, as needed or as requested by a party or parties to ensure that the case is proceeding to adjudication in a timely manner. At his or her discretion, the Appeals Officer may require the status check be in person or on the record.

8.02 The parties shall **jointly** initiate the conference call to the Appeals Office at the scheduled time.

8.03 It is very important that all parties participate in the status check on the date and time it is scheduled. Further, any letter or e-mail regarding the status of the matter must be submitted the morning of the date scheduled for the status check.

8.04 Failure to appear at a status check may result in the matter being set for hearing at the end of calendar, set for another status check or the issuance of an Order to Show Cause for Failure to Appear per NAC 616C.279 and NAC 616C.282.

PART 9. INTERPRETERS AND COURT REPORTERS

9.01 Any request for an interpreter for a party who requires assistance in interpreting the English language must be in writing. This 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. NRS 616C.282

9.02 Telephonic interpreters are utilized for hearings at this time. Therefore, witnesses who require an interpreter must participate telephonically. All hearings with an interpreter will be scheduled for two hours.

PART 10. WITHDRAWAL OF COUNSEL

10.01 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 At the conclusion of the case at District Court the parties must send a copy of the closing document to the Appeals Office.

PART 12. CERTIFICATES OF MAILING

12.01 Certificates of mailing must include all parties which includes the claimant; the party submitting the document, and all insurers, administrators, employers, parties' legal counsel, and agencies who have appeared in the matter.

12.02 Certificates of mailing must reflect the correct designation of the document (i.e. Decision and Order, Motion for Stay, etc.) and contain a current and accurate mailing address for all parties.

12.03 The Appeals Office must be notified in writing of a change of mailing address of any party as soon as practicable.

PART 13. APPEALS OFFICER DESIGNATION

13.01 Documents must list the correct Appeals Officer, correctly contain all appeal numbers pertaining to the appeal, and have the correct Appeals Officer's initials at the end of the case number. Further, signature lines must also reflect the correct Appeals Officer name and it must be spelled correctly. Failure to follow this rule may result in the return of the document(s).