

DEPARTMENT OF ADMINISTRATION, HEARINGS DIVISION
RESUMPTION OF TELEPHONE HEARINGS-LAS VEGAS & CARSON
CITY OFFICES

Effective April 20, 2020, the Las Vegas Hearings Office will resume Hearing Officer and Appeals Officer hearings. The Carson City Office will resume Appeals Officer hearings effective the same date. **These hearings will only be conducted by telephone until further notice. Pursuant to Governor Sisolak's State of Emergency Declaration, State of Nevada offices remain closed to the public. Upon prior request from all counsel, an Appeals Officer or Hearing Officer may arrange for the parties to appear by video. Counsel must confirm that all persons appearing in a video hearing have the computer capability to utilize cameras. These requests will be considered on a case-by-case basis as the Appeals and Hearing Offices currently have limited capability to hold hearings by video. The following directives will be in place effective immediately and will remain in place until further notice. They are subject to change as circumstances warrant.**

REQUESTS FOR HEARINGS BEFORE THE HEARING OFFICER AND
APPEALS OFFICER:**

Requests for Hearing before the Hearings and Appeals Officer will be accepted by:

Las Vegas Office:

Mail at 2200 South Rancho Drive, Suite 210A, Las Vegas NV 89102

Email at hearingsandappeals@admin.nv.gov, or

Facsimile for Hearing Office (702) 486-2879; for Appeals Office (702) 486-2555

Carson City Office:

Mail at 1050 E Williams Street Suite 450, Carson City, NV 89701

Email at teaton@admin.nv.gov; or

Facsimile for Hearings Office (775) 687-8441; for Appeals Office (775) 687-8421

****Requests for Hearings are the only documents that will be accepted by email and/or facsimile unless stated otherwise. PLEASE UTILIZE ONLY ONE (1) FILING METHOD SO THAT WE MAY AVIOD DOCKETING MULTIPLE HEARINGS AND APPEALS FOR THE SAME DETERMINATION/DECISION AND ORDER.**

HEARINGS BEFORE THE HEARINGS AND APPEALS OFFICERS

The Hearing Officers will be conducting their hearings by telephone. Appeals Officers will be in their respective courtrooms so that the hearings may be recorded, and the hearings will be conducted by telephone. Both Hearing and Appeals Officers will place the telephone calls to conduct the hearings. Due to social distancing protocols, the Hearings and Appeals Officers are working with a reduced and/or rotating staff schedule. Please note the following requirements:

1. Any matters before the Appeals Officers that involve only legal issues and requires no testimony may be submitted on written briefs. The parties are encouraged to do so to reduce the number of hearings that need to be rescheduled or, if already scheduled, remain on the calendars. If you wish to do so, please email the Appeals Officer **and** Legal Secretary that counsel wish to submit the matter on written briefs and provide dates that briefs will be submitted. The Appeals Officer will confirm by email that the hearing (if already scheduled) will be vacated and the files will be calendared for receipt of the brief and submission to the Appeals Officer for Decision. If requested, the Appeals Officer will issue an Order for Written Briefs.

2. **UNLESS THE PROCEDURES BELOW ARE FOLLOWED, ALL MATTERS ON THE HEARINGS' OR APPEALS' OFFICERS CALENDARS ARE PRESUMED TO BE GOING FORWARD ON THE DATE AND TIME SCHEDULED. IF YOU WISH TO CONTINUE ANY HEARING, YOU MUST ADHERE TO THE FOLLOWING:**

A. For those hearings that are going forward, counsel must email the Appeals or Hearing Officer and Legal Secretary, contact telephone numbers for all counsel and any witnesses that are scheduled to testify. This email must be submitted no later than **three (3) business days** prior to the scheduled hearing.

B. **One week (7 calendar days)** prior to the hearing, one of the attorneys must email the Hearing or Appeals Officer and request that the matter be continued. The email must confirm that all parties agree to the continuance and all counsel/parties must be copied on the email. If the injured worker is not represented by counsel, opposing counsel must affirm that he/she has spoken with or received written confirmation from the injured worker that a continuance has been agreed to. If the injured worker has a valid email and/or telephone number, those items must be included in the email. If the matter is not continued within the timeframe and manner set forth herein, all parties should be prepared to proceed with the hearing on the date and at the time scheduled. The matter **will not be continued** unless the Hearings or Appeals Officer finds that there are extraordinary circumstances which would warrant a continuance. If the parties do not agree to a continuance of the hearing, the party requesting the continuance may file a motion to continue the hearing.

C. The Hearings Division is currently working on the electronic posting of the calendars to the Hearings Division website. We will provide an update as soon as we know the exact date they will begin to be posted.

SERVICE OF DOCUMENTS FOR HEARING AND APPEALS OFFICER
HEARINGS, MOTIONS AND RELATED MATTERS

1. (A). **The Appeals and Hearings Offices in Las Vegas** are currently unable to accept any of the documents listed in these subsections by facsimile or email due to budgetary restrictions, unless specifically requested by the Hearings or Appeals Officer. Until further notice, all Hearing and Appeals Evidence Packets, electronic evidence (CD, DVD or removeable drive) and Hearing Statements must be mailed with sufficient time to ensure receipt for filing at the Hearings Division, and receipt of service by opposing counsel/parties, no later than **five (5) business days** prior to the scheduled hearing date. Originals of all Evidence Packets, electronic evidence (CD, DVD or removeable drive) and Hearing Statements must be served on the Hearing or Appeals Office by United States Postal Service. Opposing counsel and/or parties must be served by United States Postal Service unless counsel and/or the party submits a written or email request, **in each contested matter**, that service by electronic means is elected and provide the email address. If you wish to receive a file-stamped copy of the front

page of any document, please submit an additional front page with the original document, and a file-stamped copy will be returned to your office.

(B). **For Carson City Hearings and Appeals**, all documents may be filed at the Hearing and/or Appeals office front counters by runners or by United States Postal Service.

2. (A). **For the Las Vegas Hearings and Appeals Offices**, all other documents (all motions, Decisions and Orders, written briefs, stipulations, subpoenas, etc.) must be served on the Hearing or Appeals Office, and all parties or counsel, by United States Postal Service, unless electronic service is requested as set forth in subsection (1) above. Documents must be filed and served according to the stated timelines in any applicable provision of NRS Chapters 616A-D, Chapter 617 and all applicable regulations.

(B). **For Carson City Hearings and Appeals**, all documents may be filed at the Hearing and/or Appeals office front counters by runners or by United States Postal Service.

SCHEDULING/RESCHEDULING OF HEARINGS

The Hearing and Appeals Offices will begin scheduling hearings on their respective stacked calendars. Cases that have been continued from stacked calendars will be scheduled first, followed by the new Requests for Hearings Before the Appeals and Hearing Officers. Those hearings that were continued due to the State of Emergency earlier in time will take priority over those hearings that were continued later in time. Please be advised that there are over 1,800 new cases that need to be scheduled. If counsel needs to submit any new or updated requests to not schedule hearings due to planned time out of the office, please submit them as soon as possible to vmartinez@admin.nv.gov (Las Vegas appeals), mmedina@admin.nv.gov (Las Vegas hearings) or teaton@admin.nv.gov (Carson City hearings and appeals). For time-certain cases before the Appeals Officers in Las Vegas and Carson City, the legal secretaries for each Appeals Officer will email or call with proposed dates for 30-minute hearing time slots so the maximum number of the many cases that have been continued can be rescheduled. Should counsel require more than 30 minutes for a hearing, counsel may so inform the assigned legal secretary. This procedure will continue until all continued cases

have been rescheduled. For cases on new Appeals Officer stacked calendars that are removed by agreement for time-certain hearings, counsel shall notify the legal secretary of the exact time period requested for the hearing.

Hearings for Nevada Medicaid and Special Appeals Officer Hearings for Interlocal Contract Agencies will be scheduled/rescheduled according to their respective regulations and guidelines.