

IN THE SUPREME COURT OF THE STATE OF NEVADA

IRIS JANE GROSS,
Appellant,

vs.

THE STATE OF NEVADA,
DEPARTMENT OF HUMAN
RESOURCES, WELFARE DIVISION
AND NEVADA STATE PERSONNEL
COMMISSION, DANIEL HUSSEY,
HEARINGS OFFICER,
Respondents.

No. 43069

FILED

MAR 03 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

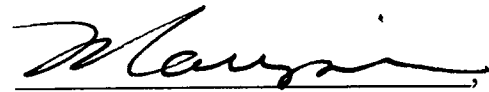
This is a proper person appeal from a district court order that denied a petition for judicial review. Eighth Judicial District Court, Clark County; David Wall, Judge.

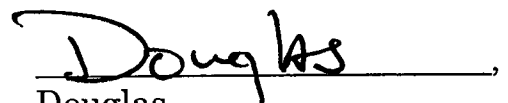
The Department of Human Resources, Welfare Division ("Division"), terminated appellant Iris Gross for a series of workplace incidents. An administrative hearing officer overturned the termination and decided that Gross's conduct only warranted a five-day suspension. The Division then petitioned the district court for judicial review, which the district court denied. The Division appealed the district court's order to this court (Docket No. 41654). In Docket No. 41654, this court entered an order reversing the district court's order and remanding the matter for the district court to direct a new hearing before a different hearing officer. We concluded that the hearing officer erroneously failed to apply the applicable progressive disciplinary regulations. We also determined that substantial evidence did not support the hearing officer's decision to reduce Gross's discipline.

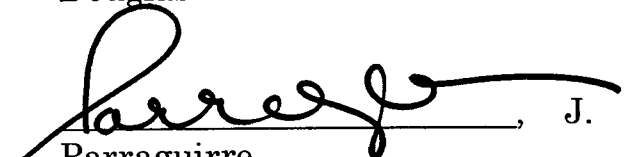
The instant appeal involves a related petition for judicial review. After Gross returned to work, the Division paid her for the time she missed. To account for Gross's suspension, the Division withheld five-days' pay from her next paycheck. Gross then administratively appealed the Division's withholding. The second hearing officer dismissed Gross's administrative appeal, and the district court denied her subsequent petition for judicial review. Gross then filed the instant appeal from the order denying her judicial review petition.

In light of this court's order in Docket No. 41654, this appeal is moot. Because we determined in Docket No. 41654 that the hearing officer erred when he failed to apply the Division's progressive discipline rules and directed the district court to order a new administrative hearing, the five-day suspension challenged by Gross in this appeal is no longer in controversy. This court's duty is to decide actual controversies by a judgment that can be carried into effect. Consequently, we dismiss this appeal as moot.¹

It is so ORDERED.

 J.
Maupin

 J.
Douglas

 J.
Parraguirre

¹NCAA v. University of Nevada, 97 Nev. 56, 624 P.2d 10 (1981).

cc: Hon. David Wall, District Judge
Attorney General Brian Sandoval/Las Vegas
Iris Jane Gross
Clark County Clerk