

IN THE SUPREME COURT OF THE STATE OF NEVADA

CATHY REDMOND,
Appellant,
vs.
CLARK COUNTY,
Respondent.

No. 44712

FILED

SEP 26 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a district court order denying appellant Cathy Redmond's petition for judicial review and affirming the appeal's officer's determination to close her workers' compensation claim without a permanent partial disability evaluation. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

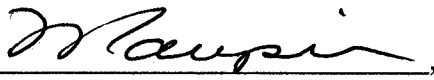
Redmond argues that the appeals officer abused her discretion by determining that Redmond's claim for workers' compensation should be closed without a permanent partial disability (PPD) evaluation and thus, the district court erred in denying her petition for judicial review of this determination.¹ We disagree. A claimant has no absolute right to a PPD evaluation.² Pursuant to NRS 616C.490(2), if an insurer receives a physician's report "indicating that [the claimant] may have suffered a permanent disability and is stable and ratable," an insurer must schedule

¹See Rio Suite Hotel & Casino v. Gorsky, 113 Nev. 600, 603, 939 P.2d 1043, 1045 (1997) (noting that when reviewing administrative decisions, this court's primary role, like that of the district court, is to determine whether the agency action was arbitrary and capricious, or otherwise characterized by an abuse of discretion).

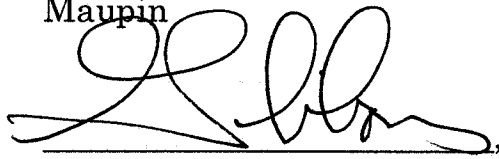
²Georgeff v. Sahara Hotel, 103 Nev. 485, 487, 745 P.2d 1142, 1143 (1987).

an appointment with a rating physician to ascertain the extent of the claimant's disability. In this case, Redmond failed to present a physician's report indicating that she may have a permanent, ratable disability. Going further, substantial evidence supports the appeals officer's finding that Drs. Kabins and Schifini's reports presented the only credible and persuasive evidence on the issue of the presence of a permanent impairment, and this evidence failed to demonstrate either the probability or possibility of a ratable impairment. Because a physician never opined that Redmond may have a permanent, ratable disability, we conclude that the appeals officer did not abuse her discretion in affirming the closure of Redmond's claim without the benefit of a PPD evaluation. Accordingly, we

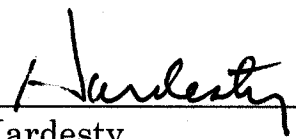
ORDER the judgment of the district court AFFIRMED.



Maupin J.



Gibbons J.



Hardesty J.

cc: Hon. Valorie Vega, District Judge
Phillip Aurbach, Settlement Judge
Hardy Hardy & McNicholas
Santoro, Driggs, Walch, Kearney, Johnson & Thompson
Clark County Clerk