

IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDY POTTS,
Appellant,
vs.
STATE OF NEVADA DEPARTMENT
OF INFORMATION TECHNOLOGY,
Respondent.

No. 51943

FILED

DEC 02 2009

ORDER OF AFFIRMANCE

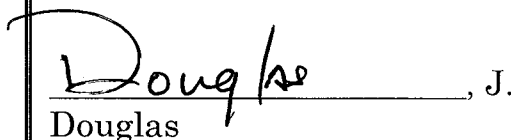
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

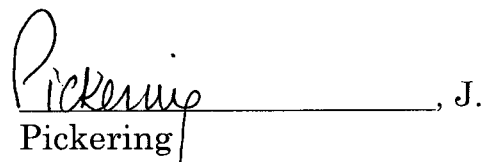
This is an appeal from a district court order denying a petition for judicial review in a state employment matter. First Judicial District Court, Carson City; James Todd Russell, Judge.

In this appeal, appellant Randy Potts challenges the hearing officer's administrative order affirming the termination of his state employment. Having reviewed the parties' briefs and the record on appeal, we conclude that Potts' appellate arguments lack merit and that the hearing officer's decision is not arbitrary or capricious, State, Emp. Security v. Hilton Hotels, 102 Nev. 606, 607, 729 P.2d 497, 498 (1986), and is supported by substantial evidence. Id. at 607-08, 729 P.2d at 498 (defining substantial evidence as "that which 'a reasonable mind might accept as adequate to support a conclusion'" (quoting Richardson v. Perales, 402 U.S. 389 (1971))). Accordingly, as the district court properly denied the petition for judicial review, we

ORDER the judgment of the district court AFFIRMED.


Parraguirre


Douglas


Pickering

cc: Hon. James Todd Russell, District Judge
Cathy Valenta Weise, Settlement Judge
James Andre Boles
Attorney General Catherine Cortez Masto/Carson City
Carson City Clerk