

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBIN A. DREW,
Appellant,

vs.

MANPOWER OF SOUTHERN
NEVADA; AND THE NEVADA
DEPARTMENT OF BUSINESS AND
INDUSTRY, DIVISION OF
INDUSTRIAL RELATIONS,
Respondents.

No. 52129

ROBIN A. DREW,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE T.
ARTHUR RITCHIE, JR., DISTRICT
JUDGE,
Respondents,
and
MANPOWER, INC.,
Real Party in Interest.

No. 55337

FILED

JUL 20 2010

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

ORDER AFFIRMING IN PART, REVERSING IN PART, AND
REMANDING (DOCKET NO. 52129), AND ORDER DENYING
PETITION FOR WRIT OF MANDAMUS (DOCKET NO. 55337)

This is a proper person appeal from a district court order denying petitions for judicial review in a workers' compensation matter (Docket No. 52129), and an original proper person petition for a writ of mandamus or prohibition that challenges a district court order denying petitioner leave to file a petition for judicial review pursuant to a vexatious litigant order (Docket No. 55337).

Docket No. 52129—appeal

Appellant Robin A. Drew challenges the denial of her many petitions for judicial review on several grounds. We only address those petitions for judicial review that Drew specifically raised on appeal and summarily affirm those not specifically addressed by Drew in her briefs. See Edwards v. Emperor’s Garden Rest., 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (noting that this court need not consider allegations of error not cogently argued or supported by any pertinent legal authority).

This court reviews an administrative decision to determine whether the agency’s decision constituted an abuse of discretion. Grover C. Dils Med. Ctr. v. Menditto, 121 Nev. 278, 283, 112 P.3d 1093, 1097 (2005). While purely legal determinations are reviewed de novo, id., on a question of fact, this court reviews for clear error and will not overturn an appeals officer’s determination that is supported by substantial evidence. Day v. Washoe County Sch. Dist., 121 Nev. 387, 389, 116 P.3d 68, 69 (2005). “While this court will not substitute its judgment for that of the agency as to the weight of the evidence, this court will reverse an agency decision that is clearly erroneous in light of reliable, probative, and substantial evidence on the whole record.” Id. (internal quotations omitted). Substantial evidence is “that which ‘a reasonable mind might accept as adequate to support a conclusion.’” State, Emp. Security v. Hilton Hotels, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986) (quoting Richardson v. Perales, 402 U.S. 389, 401 (1971)).

Having reviewed the briefs and record on appeal, we conclude that substantial evidence supports the appeals officers’ determinations in each of Drew’s petitions for judicial review, except for the petition arising

from Appeal No. 28779-SW. As to that appeal, substantial evidence does not support the appeals officer's determination that Drew had transferrable skills under the applicable statutes, and therefore, should only be entitled to 6 months of job placement assistance instead of 18 months of vocational rehabilitation.

We therefore affirm the denial of all of Drew's petitions for judicial review in Docket No. 52129, except as to Appeal No. 28779-SW. We reverse Appeal No. 28779-SW, and remand this matter to the district court to remand to the appeals officer to reinstate Drew's 18 months of vocational rehabilitation. We note, however, that the record demonstrates several instances of uncooperative behavior by Drew in regard to her vocational rehabilitation process. Continued uncooperative behavior may warrant the termination of her vocational rehabilitation rights. See NAC 616C.601.

Finally, as part of this appeal, Drew also challenges a district court order declaring her a vexatious litigant. We conclude that the district court properly considered the necessary factors in declaring Drew a vexatious litigant and appropriately narrowed the restrictions placed on her filings, and we therefore affirm the district court's order declaring Drew a vexatious litigant. See Jordan v. State, Dep't of Motor Vehicles, 121 Nev. 44, 110 P.3d 30 (2005), abrogated on other grounds by Buzz Stew, LLC v. City of N. Las Vegas, 124 Nev. 224, 181 P.3d 670 (2008).

Docket No. 55337—writ petition

Drew filed a proper person petition for a writ of mandamus or prohibition that challenges a district court order denying her leave to file a petition for judicial review pursuant to the vexatious litigant order. As we affirm the vexatious litigant order, we consider whether the district court

properly denied Drew's request for leave to file the petition for judicial review. Having reviewed the writ petition, the answer, and the relevant documents, we conclude that the district court did not abuse its discretion in denying Drew's request for leave to file the petition for judicial review. Jordan, 121 Nev. 44, 110 P.3d 30. We therefore deny Drew's writ petition in Docket No. 55337.

It is so ORDERED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Michael Villani, District Judge
Hon. T. Arthur Ritchie, Jr., District Judge
Robin A. Drew
Dept of Business and Industry/Div of Industrial Relations
/Henderson
Lynne & Associates
John F. Wiles
Eighth District Court Clerk