

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROGER KNOX,  
Appellant,  
vs.  
EMPLOYERS INSURANCE COMPANY  
OF NEVADA,  
Respondent.

No. 54235

**FILED**

JUN 10 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying a petition for judicial review in a workers' compensation action. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

On appeal, appellant Roger Knox argues that the administrative appeals officer abused her discretion in ordering the closure of his workers' compensation claim and scheduling him for a permanent partial disability rating because his workers' compensation award did not compensate him for severe gastrointestinal issues and resulting depression that, he asserts, were brought on by medication provided as treatment for the underlying work-related injury to his elbow. Respondent Employers Insurance Company of Nevada argues that the administrative decision denying Knox compensation for the gastrointestinal issues and the depression should be upheld.

This court reviews fact-based administrative decisions for clear error and will not overturn such decisions when supported by substantial evidence or substitute its judgment for that of an appeals officer as to the weight of the evidence. Day v. Washoe County Sch. Dist., 121 Nev. 387, 389, 116 P.3d 68, 69 (2005). 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)). Here, the administrative record includes medical evidence in the form of a report provided by Dr. Jan Kambler, M.D., that Knox's gastrointestinal issues were not caused by the medication prescribed for the treatment of the industrial injury. Accordingly, the appeals officer's determination that Knox's gastrointestinal issues were not connected to his industrial injury claim is supported by substantial evidence, and we therefore perceive no abuse of discretion in the appeals officer ordering the claim closed and scheduling Knox for a permanent partial disability evaluation. Consequently, because the district court properly denied the petition for judicial review, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Brent T. Adams, District Judge  
Roger Knox  
Beckett, Yott & McCarty/Reno  
Washoe District Court Clerk

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<sup>1</sup>Knox also argues that the appeals officer improperly permitted opposing counsel to draft the administrative decision and that the district court erred in denying his petition for judicial review without holding a hearing. As these contentions do not change our ultimate conclusion in this matter, we conclude that they lack merit. Finally, in light of our resolution of this appeal, we deny as moot Knox's May 12, 2010, motion to submit this appeal for a decision.