

IN THE SUPREME COURT OF THE STATE OF NEVADA

VALRIE GARRY,  
Appellant,  
vs.  
EMPLOYMENT SECURITY DIVISION,  
STATE OF NEVADA; RENEE OLSON,  
IN HER CAPACITY AS  
ADMINISTRATOR OF THE  
EMPLOYMENT SECURITY DIVISION;  
KATIE JOHNSON, IN HER CAPACITY  
AS CHAIRPERSON OF THE  
EMPLOYMENT SECURITY DIVISION  
BOARD OF REVIEW; AND PAYLESS  
CLEANERS, AS EMPLOYER,  
Respondents.

No. 63393

**FILED**

**MAR 12 2015**

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

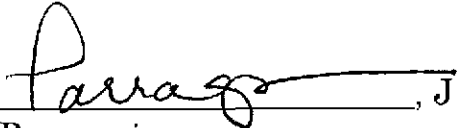
**ORDER OF AFFIRMANCE**

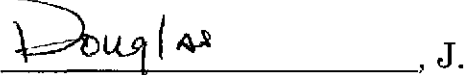
This is a pro se appeal from a district court order denying a petition for judicial review in an unemployment benefits matter. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

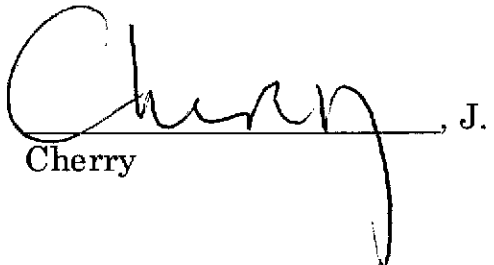
On June 19, 2012, respondent Employment Security Division of the State of Nevada mailed appellant Valrie Garry a notice of determination stating that appellant was not entitled to unemployment benefits. The notice indicated that appellant had until July 2, 2012, to administratively appeal. Appellant failed to do so by that time. Instead, upon admitting that she could not find the notice and receiving a new copy, appellant filed an administrative appeal on August 1, 2012. After a hearing, the appeals referee concluded that good cause for filing a late appeal had not been established and dismissed the appeal. The district court denied appellant's petition for judicial review, and appellant has appealed.

Appellant does not dispute that her appeal was untimely. Rather, she claims that good cause exists to extend the time because she never received the determination notice explaining her appeal rights when it was initially mailed in June 2012. See NRS 612.495 (providing that appeals from unemployment benefit decisions must be filed within 11 days from the date when the notice of determination is mailed, unless good cause is shown to extend the time). As the appeals referee noted, a presumption exists that notices properly mailed are received in due course, NRS 47.250(13), and the appeals referee's conclusion that the determination notice was properly mailed is uncontradicted. In concluding that appellant received the determination notice and that her failure to timely appeal was not caused by any circumstances outside of her control, the appeals referee implicitly determined that the presumption was not rebutted. *City of N. Las Vegas v. Warburton*, 127 Nev. \_\_\_, \_\_\_, 262 P.3d 715, 718 (2011) (explaining that this court may imply factual findings when the administrative decision provides a proper basis for so doing). As substantial evidence supports the appeals referee's determination, *Kolnik v. State, Emp't. Sec. Dep't.*, 112 Nev. 11, 16, 908 P.2d 726, 729 (1996) (setting forth the standard of review), the district court properly denied judicial review, and we

ORDER the judgment of the district court AFFIRMED.

  
Parraguirre

  
Douglas

  
Cherry

cc: Hon. Michael Villani, District Judge  
Valrie Garry  
State of Nevada/DETR  
Eighth District Court Clerk