

IN THE SUPREME COURT OF THE STATE OF NEVADA

YORK RISK SERVICES GROUP, INC.,  
Appellant,  
vs.  
DIVISION OF INDUSTRIAL  
RELATIONS,  
Respondent.

No. 63684

**FILED**

**APR 17 2015**

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

*ORDER OF AFFIRMANCE*

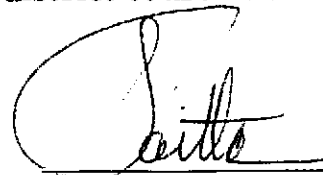
This is an appeal from a district court order denying a petition for judicial review in a workers' compensation benefit penalty and administrative fine matter. Eighth Judicial District Court, Clark County; Nancy L. Allf, Judge.

Respondent, the Nevada Department of Business and Industry's Division of Industrial Relations (DIR), issued a determination fining and imposing benefit penalties on appellant York Risk Services Group, Inc., a third-party administrator, for failing to timely pay a medical bill after a hearing officer ordered it covered. York Risk Services' administrative appeal and petition for judicial review were both denied, and York Risk Services now seeks relief from this court, asserting that its delay was caused by a lack of cooperation from other parties and thus not unreasonable.

NRS 616D.120 requires the DIR administrator to impose an administrative fine and benefit penalties upon making certain findings, including that a third-party administrator refused or unreasonably delayed payment more than 30 days after a hearing officer issues a decision determining payment is due. See NRS 616D.120(1)(c) and (3).

Here, even if other parties rendered York Risk Services unable to comply with the hearing officer's decision within 30 days, the appeals officer concluded that York Risk Services had all the documentation necessary for payment by March 13, 2009, yet declined payment at that time and did not make the payment until February 2011. This finding is supported by substantial evidence in the record. *See Law Offices of Barry Levinson v. Milko*, 124 Nev. 355, 362, 184 P.3d 378, 383-84 (2008) (explaining that this court applies the same standard in reviewing an agency decision as the district court, and thus looks for clear error or an arbitrary and capricious abuse of discretion); *see also* NRS 233B.135(3) (providing the standards for judicial review of an agency decision). Given this evidence, the appeals officer did not abuse her discretion in finding unreasonable delay, and we


ORDER the judgment of the district court AFFIRMED.

 \_\_\_\_\_, J.

Saitta

 \_\_\_\_\_, J.

Gibbons

 \_\_\_\_\_, J.

Pickering

cc: Hon. Nancy L. Allf, District Judge  
Salvatore C. Gugino, Settlement Judge  
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas  
Dep't. of Business and Industry/Div. of Industrial  
Relations/Henderson  
Eighth District Court Clerk