

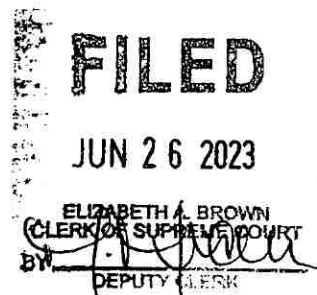
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TONY HOGAN,
Appellant,

vs.

THE STATE OF NEVADA
EMPLOYMENT SECURITY DIVISION;
LYNDA PARVEN, IN HER CAPACITY
AS ADMINISTRATOR OF THE
EMPLOYMENT SECURITY DIVISION;
AND J. THOMAS SUSICH, IN HIS
CAPACITY AS THE CHAIRPERSON OF
THE EMPLOYMENT SECURITY
DIVISION BOARD OF REVIEW,
Respondents.

No. 85186-COA



ORDER OF AFFIRMANCE

Tony Hogan appeals from a district court order denying a petition for judicial review in an unemployment matter. Eighth Judicial District Court, Clark County; Nancy L. Allf, Judge.

Hogan sought and initially received Pandemic Unemployment Assistance (PUA) benefits from the respondent State of Nevada Employment Security Division (ESD). However, the ESD and an appeals referee later determined that Hogan did not qualify for PUA and was liable for an overpayment of benefits because his unemployment predated the pandemic and was therefore not pandemic-related as required by the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act). Hogan appealed that decision to the ESD Board of Review, which declined to review the case. Hogan then timely filed a petition for judicial review, which the district court denied in a detailed written decision, explaining that Hogan was legally ineligible for PUA. This appeal followed.


On appeal, Hogan vaguely contends that the district court and appeals referee abused their discretion and violated his rights by deeming him ineligible for PUA and holding him liable for an overpayment of benefits. But Hogan wholly fails to explain why he believes that determination was in any way erroneous, and he does not dispute the finding that he was unemployed starting in 2019 and his unemployment was therefore not pandemic-related. See *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that the appellate courts need not consider claims unsupported by cogent argument). And, contrary to Hogan's assertion that the district court's order was "vague and capricious with no law to support [it]," both that order and the appeals referee's decision are replete with analysis of the CARES Act and relevant guidance from the United States Department of Labor.

Hogan further contends that his due-process and equal-protection rights were violated, but he again offers little explanation. He takes issue with the fact that the ESD Board of Review declined to review this matter, but NRS 612.515(1) only provides an appeal to the Board as a matter of right if the appeals referee reversed or modified the original administrative decision, and here, the referee affirmed the denial of benefits. And to the extent Hogan contends that he was never afforded a hearing, the record reflects that he did receive a telephonic hearing before the appeals referee. Finally, insofar as Hogan claims generally that he was entitled to PUA as a matter of right, our supreme court has acknowledged that unemployment benefits are legislative in nature and "are not inherent rights of Nevada citizens," meaning "the legislature may enact any reasonable and nondiscriminatory conditions regarding eligibility and procedure." *Kame v. Emp't Sec. Dep't*, 105 Nev. 22, 26, 769 P.2d 66, 68

(1989). Aside from vague and conclusory assertions, Hogan fails to cogently explain how any of the procedures at issue in this case—in either the federal CARES Act or Nevada’s unemployment statutes—were supposedly unreasonable or discriminatory, or how they somehow entitled him to PUA benefits as a matter of right.¹ See *Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38.

Given the foregoing, Hogan has failed to demonstrate any basis for reversal, and we therefore affirm the district court’s order denying his petition for judicial review.²

It is so ORDERED.³


_____, C.J.
Gibbons


_____, J.
Westbrook


_____, Sr.J.
Silver

¹To the extent Hogan argues that he was denied the right to file a motion for reconsideration under EDCR 2.24, the record does not reflect that he ever attempted to file such a motion.

²Insofar as Hogan raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.

³The Honorable Abbi Silver, Senior Justice, participated in the decision of this matter under a general order of assignment.

cc: Hon. Nancy L. Alf, District Judge
Tony Hogan
State of Nevada/DETR
Eighth District Court Clerk