

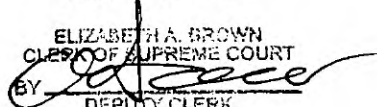
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEVIN JOHNSON,
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 CHAIRPERSON OF THE
EMPLOYMENT SECURITY DIVISION
BOARD OF REVIEW,
Respondents.

No. 85599-COA

FILED

AUG 07 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

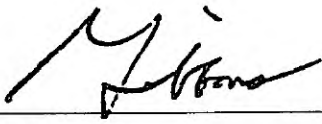
ORDER OF REVERSAL AND REMAND

Kevin Johnson appeals from a district court order denying his petition for judicial review regarding his request for Pandemic Unemployment Assistance. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

Respondents, the State of Nevada Employment Security Division (ESD); Linda Parven, in her capacity as administrator of the ESD; and J. Thomas Susich, in his capacity as chairperson of the ESD board of review, have filed with this court an answering brief and confession of error, acknowledging that certain of appellant's claims on appeal appear meritorious, and agreeing with appellant's request that this matter be remanded to the district court for further proceedings in front of the Employment Security Division. In light of this confession of error, we summarily reverse the order of the district court denying appellant's petition for judicial review and direct the district court to remand this

matter to the Employment Security Division for a new administrative hearing. *See Ressler v. Mahony*, 99 Nev. 352, 661 P.2d 1294 (1983) (summarily reversing the judgment of the district court where respondents filed an express confession of error); *see also Rhode Island v. Prins*, 96 Nev. 565, 566, 613 P.2d 408, 409 (1980) (explaining that, when resolving an appeal on confession of error grounds, appellate courts “reverse the judgment without consideration of the merits of the appeal”).

It is so ORDERED.¹


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Timothy C. Williams, District Judge
Jonathan L. Andrews, Settlement Judge
Nevada Legal Services/Las Vegas
State of Nevada/DETR - Las Vegas
State of Nevada/DETR - Carson City
Eighth District Court Clerk

¹While we acknowledge that respondents provided substantive arguments regarding the merits of the underlying decision, we need not address these arguments in light of their confession of error.