

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JULIUS CHICK, AN INDIVIDUAL,
Appellant,
vs.
EMPLOYMENT SECURITY DIVISION,
STATE OF NEVADA; KRISTINE
NELSON, IN HER CAPACITY AS
ADMINISTRATOR OF THE
EMPLOYMENT SECURITY DIVISION;
J. THOMAS SUSICH, IN HIS
CAPACITY AS CHAIRPERSON OF THE
EMPLOYMENT SECURITY DIVISION
BOARD OF REVIEW; AND VEGAS
VALLEY LOCKING SYSTEMS, AS THE
EMPLOYER,
Respondents.

No. 89559-COA

FILED

AUG 27 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

*ORDER AFFIRMING IN PART
AND DISMISSING IN PART*

Julius Chick appeals from a district court order denying his petition for judicial review in an unemployment benefits matter. Eighth Judicial District Court, Clark County; Anna C. Albertson, Judge.

For a single day in June 2021, Chick worked for Vegas Valley Locking Systems (VVLS). According to Chick, after working his first shift, VVLS informed him he needed to pass a background check before returning to work and, as a result, Chick contacted law enforcement to arrange for the background check. Chick subsequently learned that he could not pass the background check since he had an outstanding warrant due to his failure to appear for a traffic violation. After Chick informed VVLS that he would not pass the background check, VVLS paid him for the time worked and informed him the company could not continue his employment. Chick -- speculates that VVLS must have then informed the Nevada Department of

Employment, Training & Rehabilitation (DETR) of his separation from employment.

On February 24, 2022, DETR's Employment Security Division (ESD) issued Chick a notice of disqualification which stated that pursuant to NRS 612.385 "[a] person is ineligible for benefits if he was discharged from his last or next-to-last employment for misconduct connected with the work." The notice also contained a section titled "**APPEAL RIGHTS**" which further stated "if you receive more than one decision, read each one carefully to protect your appeal rights. ANY ineligible decision will stop payment of the claim. . . . If you disagree with this decision you have the right to file an appeal. The appeal must be faxed or postmarked by 03/08/2022." Chick did not file an appeal before the appeal deadline.

In August 2023, over a year after the appeal deadline passed, Chick appealed the disqualification to an appeals referee. Chick's notice of appeal indicated he knew his appeal was untimely but argued good cause existed to extend the deadline because at the time he received the notice, he was involved in two separate unemployment benefits appeals relating to his separation from prior employers and was actively looking for new employment.

An appeals referee held a hearing at which Chick testified. Chick testified that he did not initially file an appeal either because he "overlooked" the notice due to his other ongoing unemployment benefits appeals or chose not to appeal because he was not seeking benefits from VVLS and did not understand the disqualification could impact his other ongoing unemployment benefit appeals. Specifically, Chick believed that the disqualification would only impact any attempt to obtain benefits due to his short employment with VVLS and that he did not understand the notice's warning that payment of "the claim" would be stopped was intended to refer to any claim he had made for benefits. When asked to identify the

specific good cause supporting an untimely appeal, Chick stated at the time he received the notice, he was involved with other unemployment appeals, was dealing with personal issues, and that ESD's process was confusing. The appeals referee ultimately entered an order finding that the appeal was untimely, and Chick failed to demonstrate good cause to extend the appeal deadline. Chick challenged the decision to the Board of Review, which adopted the appeals referee's findings.

Chick then filed a petition for judicial review. Chick again argued that good cause supported extending the appeal deadline because of his confusion over the proper procedure, the "administrative burden" caused by pursuing multiple appeals, and ESD's unclear instructions. ESD filed an answer, which argued Chick failed to demonstrate good cause for the untimely appeal. The district court entered an order denying the petition for judicial review. The court determined that Chick failed to demonstrate ESD acted arbitrarily or capriciously in finding that his appeal was untimely and that he failed to demonstrate good cause for the delay. Chick filed a motion for reconsideration that expanded on the personal challenges he faced while challenging the benefits denial. The court denied the motion for reconsideration, and Chick now appeals.¹

"When reviewing an administrative unemployment compensation decision, this court, like the district court, examines the evidence in the administrative record to ascertain whether the Board acted arbitrarily or capriciously, thereby abusing its discretion." *Clark Cnty. Sch.*

¹Although Chick's notice of appeal designates the order denying the motion for reconsideration as one of the challenged orders, he failed to present any argument regarding this order and, thus, he has waived any challenge to the order. See *Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that "[i]ssues not raised in an appellant's opening brief are deemed waived").

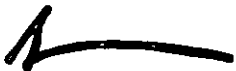
Dist. v. Bundley, 122 Nev. 1440, 1444, 148 P.3d 750, 754 (2006); *see also* NRS 233B.135(3) (setting forth the grounds on which an agency decision may be set aside on appeal). We “will not substitute [our] judgment as to the weight of the evidence for that of the administrative agency.” *Langman v. Nev. Adm’rs, Inc.*, 114 Nev. 203, 210, 955 P.2d 188, 192 (1998); *see also* *Consolo v. Fed. Mar. Comm’n*, 383 U.S. 607, 620 (1966) (“[T]he possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency’s findings from being supported by substantial evidence.”). “Any person entitled to a notice of determination or redetermination may file an appeal” but the appeal “must be filed within 11 days” of the date of service of the notice. NRS 612.495(1). However, this deadline “may be extended for good cause shown.” *Id.*

On appeal, Chick argues the district court, and by extension the Board, abused its discretion by failing to consider the initial delay between the day he worked for VVLS (June 21, 2021) and the date he received the notice of disqualification (February 24, 2022) and whether that delay constituted good cause for an extension.² However, Chick fails to explain why this delay, which occurred prior to receiving the notice, constitutes good

²Chick’s informal opening brief identifies two district court cases: Eighth Judicial District Court Docket Numbers A-24-88988-J (which is the underlying proceeding) and A-22-858142-J (which appears to be a separate judicial proceeding involving Chick and DETR). Chick then presents several arguments regarding the district court’s decisions, and ESD’s actions, in Docket Number A-22-858142-J. However, these matters were not consolidated in the district court, and his notice of appeal identifies only Docket Number A-24-88988-J as the case from which his appeal is taken. Accordingly, any challenges arising from Docket No. A-22-858142-J are not properly before us, and we therefore dismiss the portion of the appeal that attempts to challenge actions taken in Docket Number A-22-858142-J because we lack jurisdiction to consider them. *See Rust v. Clark Cnty. Sch. Dist.*, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987) (holding “the proper and timely filing of a notice of appeal is jurisdictional”).

cause for his nearly 18-month delay in filing the appeal. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that this court need not consider claims that are unsupported by cogent arguments). Instead, Chick argues that he either “overlooked” the appeal deadline because he was busy with other appeals or mistakenly believed it was not important and thus elected not to file an appeal. Given the testimony in the record, we cannot say the Board acted arbitrarily or capriciously in determining that Chick failed to demonstrate good cause for an extension. Accordingly, we affirm the district court’s order denying the petition for judicial review.³

It is so ORDERED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

³Insofar as Chick raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.

cc: Hon. Anna C. Albertson, District Judge
Julius Chick
Carolyn M. Broussard
Jen J. Sarafina
State of Nevada/DETR - Carson City
State of Nevada/DETR - Las Vegas
Vegas Valley Locking Systems
Eighth District Court Clerk