

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF THE PETITION
OF RAFAEL C. DANAM.

No. 89795-COA

FILED

NOV 18 2025

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

RAFAEL C. DANAM,
Appellant,
vs.
AMTRUST NORTH AMERICA,
Respondent.

ORDER OF AFFIRMANCE

Rafael C. Danam appeals from a district court order dismissing a petition for judicial review in a workers' compensation matter. Eighth Judicial District Court, Clark County; Danielle K. Pieper, Judge.

Danam sustained an industrial injury after falling off a ladder in January 2023 during his employment with Las Vegas Athletic Club. His workers' compensation claim was accepted, and he eventually elected to receive a lump sum payment for his claim. Danam signed a document acknowledging that election of a lump sum payment would result in the termination of all benefits for compensation and waiver of all rights regarding the claim and constitute a final settlement of all factual and legal issues.

Shortly thereafter, Danam submitted a new workers' compensation claim stemming from the January 2023 incident and sought reimbursement of medical expenses. Respondent Amtrust North America, the third-party administrator, denied Danam's claims, and a hearing officer

affirmed the denials, finding that Danam's January 2023 industrial claim had been previously adjudicated, so compensation was barred. While an appeal from that decision was pending before an appeals officer, Danam filed a "second official complaint" in the district court in February 2024, which the court apparently treated as a petition for judicial review. In September, the district court issued an order to show cause why Danam's "petition" should not be denied for failure to provide proof of service pursuant to NRS 233B.130(5) and failure to request or transmit a certified copy of the record pursuant to NRS 233B.131(1)(a).

The appeals officer affirmed the claim denials in October 2024. That same month, Danam filed in the district court a "motion for judgment on the pleadings Rule 12 NRCP" and a "motion for case continuance for NRS 616C.370 'judicial review,'" seemingly seeking a new disability assessment based on a federal assessment and punitive damages against Amtrust. Following entry of a second order to show cause, Danam filed an unsigned affidavit of service stating the motion for judgment on the pleadings, copies of the summons and complaint, and the order to show cause were served on Amtrust, LVAC Corporate, Amtrust's attorney, the Nevada Attorney General's Office of Military Legal Assistance, Department of Veteran's Affairs, and HQ Air Force Reserve Command.

The district court thereafter entered a written order denying Danam's motions and dismissing the case, noting the parties appeared at a hearing on an order to show cause. Noting its previous order directing Danam to show cause as to why the petition should not be dismissed based upon his failure to provide proof of service, the court found that Danam failed to follow proper procedures, the court had no jurisdiction over the case "pursuant to statute," and the matter was premature. This appeal followed.

We review a decision to dismiss a petition for judicial review for lack of subject matter jurisdiction *de novo*. *Whitfield v. Nev. State Pers. Comm'n*, 137 Nev. 345, 349, 492 P.3d 571, 575 (2021). Moreover, “NRS 233B.130(2)(c)(1)’s service requirement is mandatory and jurisdictional.” *Heat & Frost Insulators & Allied Workers Loc. 16 v. Lab. Comm’r*, 134 Nev. 1, 5, 408 P.3d 156, 160 (2018). In addition, a petition for judicial review must “[b]e filed within 30 days *after* service of the final decision of the agency.” NRS 233B.130(2)(d) (emphasis added); *see also Washoe Cnty. v. Otto*, 128 Nev. 424, 434-35, 282 P.3d 719, 727 (2012) (holding that the district court never obtains jurisdiction over an appeal from an administrative decision if the petitioner fails to comply with NRS 233B.130(2)(d)). And a prematurely filed petition does not satisfy the jurisdictional requirement to timely file a petition. *Nev. State Bd. of Architecture, Interior Design & Residential Design v. Eighth Jud. Dist. Ct.*, 135 Nev. 375, 380, 449 P.3d 1262, 1266 (2019); *see also Allstate Ins. Co. v. Thorpe*, 123 Nev. 565, 571-72, 170 P.3d 989, 993-94 (2007) (addressing, in both jurisdictional and justiciability terms, the requirement that an agency decision be final before a petition for judicial review may be filed); *Kosor v. S. Highlands Cmty. Ass’n*, 141 Nev., Adv. Op. 34, 570 P.3d 160, 168 (2025) (“So long as administrative remedies have not been exhausted, the agency’s decision cannot be considered ‘final.’”).

On appeal, Danam primarily challenges the denial of his underlying claim for workers’ compensation. However, he fails to address the bases upon which the district court relied in dismissing his petition for judicial review, including the court’s determination that dismissal was warranted on jurisdictional grounds. Because Danam has failed to challenge any of the various grounds on which the district court dismissed

his petition, Danam has forfeited any arguments related to the same. See *Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161, n.3, 252 P.3d 668, 672 n.3 (2011) (providing that arguments not raised on appeal are deemed forfeited); see also *Hung v. Genting Berhad*, 138 Nev. 547, 547-48, 513 P.3d 1285, 1286 (Ct. App. 2022) (stating that, when a district court resolves a case on multiple grounds and the appellant fails to challenge each alternative ground on appeal, those challenges are forfeited, “thereby foreclosing [the] appeal as it concerns the district court’s . . . ruling”). Therefore, we conclude Danam fails to demonstrate the district court abused its discretion by dismissing the petition for judicial review. See *Whitfield*, 137 Nev. at 349, 492 P.3d at 575. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

¹We also deny Danam’s “motion to decide factors of law civil action on appealable determination” as we conclude relief is unwarranted.

cc: Hon. Danielle K. Pieper, District Judge
Rafael Cezar Danam
Hooks Meng & Clement
Eighth District Court Clerk