

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KENNETH ROLL,
Appellant,
vs.
CCMSI AND THE STATE OF NEVADA
DEPARTMENT OF PUBLIC SAFETY,
Respondents.

No. 89925-COA

FILED

FEB 20 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Kenneth Roll appeals from a district court order denying his petition for judicial review in a workers' compensation matter. Eighth Judicial District Court, Clark County; Monica Trujillo, Judge.

Roll worked as a Nevada Highway Patrol officer for respondent the State of Nevada Department of Public Safety (the State) for approximately 23 years from September 1985 to June 2009, when he retired. In April 2022, Roll was diagnosed with atrial fibrillation and initiated a claim for workers' compensation benefits and requested an average monthly wage calculation. The State's third-party administrator, respondent CCMSI, accepted Roll's claim but limited its acceptance to medical benefits only due to his retirement status based on NRS 617.457(14) (stating a person who files a claim for a disease of the heart after he retires from employment as a police officer is not entitled to receive any compensation for that disease other than medical benefits). In a separate letter, CCMSI denied Roll's request for a wage calculation and stated that he was not entitled to receive any compensation under his claim

other than medical benefits. Roll appealed those determinations and hearing officers affirmed the decisions.

Roll appealed the hearing officers' decisions, and an appeals officer affirmed. In its written decision, the appeals officer found that the clear and unambiguous language of NRS 617.457(14) controlled and limited Roll's workers' compensation claim to medical benefits only. As the appeals officer determined Roll's workers' compensation claim was limited to medical benefits, it declined to determine his average monthly wage.

Roll timely filed a petition for judicial review in the district court. Following briefing and a hearing, the court denied Roll's petition and affirmed the appeals officer's decision, finding the appeals officer did not err in determining Roll was only entitled to medical benefits based on the unambiguous language of NRS 617.457(14). The court was unpersuaded by Roll's argument that he was entitled to relief pursuant to Senate Bill (S.B.) 153 (2015), noting he pointed "to a portion of a Senate Bill that was not codified after enrollment" to support his position. Based on this determination, the court declined to address Roll's argument regarding his average monthly wage. This appeal followed.

On appeal, Roll challenges the district court's denial of his petition for judicial review and argues the appeals officer incorrectly determined that he was only entitled to medical benefits under NRS 617.457.

When reviewing an administrative decision, this court's role "is identical to that of the district court: to review the evidence presented to the agency in order to determine whether the agency's decision was arbitrary

or capricious and was thus an abuse of the agency's discretion." *United Exposition Serv. Co. v. State Indus. Ins. Sys.*, 109 Nev. 421, 423, 851 P.2d 423, 424 (1993). However, this court reviews questions of law de novo. *Howard v. City of Las Vegas*, 121 Nev. 691, 693, 120 P.3d 410, 411 (2005). Appellate review of a final agency decision is "confined to the record before the agency." *Law Offs. of Barry Levinson, P.C. v. Milko*, 124 Nev. 355, 362, 184 P.3d 378, 384 (2008).

NRS 617.457 governs heart diseases as occupational diseases for police officers. As relevant here, NRS 617.457(12) provides that a person who is "[p]artially disabled from an occupational [heart] disease" and "[i]ncapable of performing . . . work as a . . . police officer . . . may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability." But NRS 617.457(14) provides that "[a] person who files a claim for a disease of the heart specified in this section after he or she retires from employment as a . . . police officer is not entitled to receive any compensation for that disease other than medical benefits."

The limitation set forth in NRS 617.457(14) was initially added to the Nevada Revised Statutes in 2015 through S.B. 153. *See* 2015 Nev. Stat., ch. 420, § 3, at 2431; *City of Las Vegas v. Munson*, 141 Nev., Adv. Op. 28, 574 P.3d 426, 428-29 (Ct. App. 2025). However, while that limiting language from section 14 was codified into the Nevada Revised Statutes, section 6 of S.B. 153 was not. Section 6 of S.B. 153 provides that NRS 617.457(14) does not apply to persons "who, on the effective date of this section, ha[ve] completed at least 20 years of creditable service" as a police officer. *See* S.B. 153, 78th Leg. (Nev. 2015). Roll argues that although the

language from S.B. 153 was not codified into NRS 617.457, it is nevertheless binding authority and exempts him from the limiting language in NRS 617.457(14) and allows him to receive certain monetary benefits in addition to medical benefits. We agree.

We addressed this issue in *Munson* and concluded that section 6 of S.B. 153 was binding law because it was approved by the governor and enacted into law on June 8, 2015.¹ 141 Nev., Adv. Op. 28, 574 P.3d at 429. We further concluded that its omission from NRS 617.457 is immaterial. *Id.*; see also NRS 220.170(3) (stating copies of the Nevada Revised Statutes “may be cited as prima facie evidence of the law,” but that such “evidence may be rebutted by proof that the statutes cited differ from the official Statutes of Nevada”); *Halverson v. Sec’y of State*, 124 Nev. 484, 486-87, 186 P.3d 893, 895-96 (2008) (stating language in a senate bill that was not codified into the Nevada Revised Statutes was still the law because “it was enacted in the official Statutes of Nevada”). Because section 6 of S.B. 153 constitutes binding law, NRS 617.457(14) does not apply to Roll as he falls within the exception outlined in section 6. Specifically, regardless of when his disablement occurred, Roll had completed at least 20 years of creditable service as a police officer at the time section 6 became effective in 2015—a fact respondents do not dispute. Because NRS 617.457(14) did not apply to Roll, we conclude the appeals officer incorrectly applied the law by finding that NRS 617.457(14) limited Roll to receiving only medical benefits.

¹We note that *Munson* was issued after the appeals officer’s decision and the district court’s order denying Roll’s petition were entered, so they did not have the benefit of this opinion during the pendency of the underlying proceedings.

Moreover, we are unpersuaded by respondents' argument that section 6 of S.B. 153 contains two prongs that Roll must meet in order to be exempted from the limiting language of NRS 617.457(14), and he fails to meet both prongs because his disablement occurred prior to the effective date of section 6. Section 6 of S.B. 153, as enacted, provides:

The amendatory provisions of this act:

1. Apply only to disablement which occurs on or after the effective date of this section; and
2. Do not apply to any person who, on the effective date of this section, has completed at least 20 years of creditable service . . . as a . . . police officer . . . in this State.

2015 Nev. Stat., ch. 420, § 6, at 2433. We similarly addressed and rejected this argument in *Munson*. In that opinion, we held that the two subsections of section 6 are not a conjunctive test and reading them as such renders subsection 2 nugatory. *See Munson*, 574 P.3d at 429-30 (explaining there was no introductory language indicating that the two subsections constitute two parts of a conjunctive test and further, reading them conjunctively would render the exemption from NRS 616.457(14) for first responders with more than 20 years of credible service ineffective where their disablement occurred after section 6 became effective and contrary to the legislative intention). Thus, respondents' argument in this respect fails. Accordingly, we conclude the district court erred by denying Roll's petition for judicial review. We, therefore,

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court with instructions to remand the

case to the appeals officer for further proceedings consistent with this order.²


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

²To the extent respondents argue that Roll is ineligible to receive monetary benefits because he is retired and therefore not an “employee in the employ of an employer,” as described in NRS 616C.440(1), that issue was not sufficiently preserved, so we need not consider it. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (explaining that issues not argued below are “deemed to have been [forfeited] and will not be considered on appeal”). Despite this forfeiture, this argument necessarily fails based on the statutory scheme. Read together, NRS 617.457(12) and section 6 of S.B. 153 allow some retired police officers, like Roll, to elect to receive certain monetary benefits under NRS 616C.440 and do not exclude retirees from obtaining monetary benefits. Interpreting NRS 616C.440(1) to exclude retired police officers from such benefits would render NRS 617.457(12) and section 6 of S.B. 153 nugatory. *See Munson*, 574 P.3d at 429 (explaining that “[a] statute must be considered as a whole and should not be construed in a manner that would render words or phrases superfluous or make a provision nugatory” (internal quotation marks omitted)).

Roll also argues that his average monthly wage for calculating his monetary benefits should use the wages he earned at the time of his retirement. However, the calculation of Roll’s monetary disability benefits involves factual determinations that have not yet been made in light of the outcome of the underlying proceedings, and we decline to make such findings in the first instance. *See Ryan’s Express Transp. Servs., Inc. v. Amador Stage Lines, Inc.*, 128 Nev. 289, 299, 279 P.3d 166, 172 (2012) (“An appellate court is not particularly well-suited to make factual determinations in the first instance.”).

cc: Hon. Monica Trujillo, District Judge
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Eighth District Court Clerk