


IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; AND CCMSI,
Appellants,
vs.
DIEGO GUTIERREZ,
Respondent.

No. 89678

FILED

APR 17 2026

ELIZABETH V. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order granting a petition for judicial review in a workers' compensation matter. Eighth Judicial District Court, Clark County; Anna C. Albertson, Judge.


Respondent Diego Gutierrez contracted COVID-19 while working as a corrections officer for appellant Las Vegas Metropolitan Police Department (LVMPD). Gutierrez filed a claim for workers' compensation benefits, relying on NRS 617.455. That statute affords police officers compensation for certain "diseases of the lungs." NRS 617.455(1). LVMPD's workers' compensation insurer, appellant CCMSI, partially denied the claim. That decision was later affirmed by an appeals officer on the ground that Gutierrez's COVID-19 diagnosis did not constitute a "disease[]of the lungs" under NRS 617.455(1). Gutierrez then petitioned for judicial review, arguing that NRS 617.455(5) authorized compensation separately from the scenarios contemplated in NRS 617.455(1). The district court agreed with Gutierrez and granted his petition. LVMPD and CCMSI now appeal.


“On appeal, this court’s role is the same as the district court’s: to review an appeals officer’s decision for clear error or arbitrary abuse of discretion.” *Las Vegas Metro. Police Dep’t v. Holland*, 139 Nev. 96, 98, 527 P.3d 958, 962 (2023) (internal quotation marks omitted). But we “independently review the appeals officer’s purely legal determinations, including those of statutory construction.” *Id.*

We recently addressed substantively identical statutory-construction arguments as those raised by Gutierrez. *See Holguin v. City of Henderson*, No. 89345, 2026 WL 491678 (Nev. Feb. 20, 2026) (Order Granting Petition for Rehearing, Withdrawing Opinion, and Substituting Order of Reversal and Remand). In that disposition, we recognized that the Legislature recently amended the at-issue provisions of NRS 617.455 and gave those amendments retroactive application. *Id.* at *1-2. Applying the amended provisions in that case, we determined that the officer had established a compensable occupational lung disease claim. *Id.*

Similarly, the amended provisions must be applied here. The district court construed the at-issue provisions in NRS 617.455 consistent with the recent amendments to those provisions. Accordingly, the district court correctly granted Gutierrez’s petition for judicial review. We therefore

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Herndon


_____, J.
Stiglich


_____, J.
Cadish

cc: Hon. Anna C. Albertson, Judge
Janet Trost, Settlement Judge
GGRM Law Firm
Hooks Meng & Clement
Eighth District Court Clerk