

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT AND CCMSI,
Appellants,
vs.
CARMEN DONEGAN,
Respondent.

No. 89908

FILED

APR 17 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a petition for judicial review in a workers' compensation matter. Eighth Judicial District Court, Clark County; Carli Lynn Kierny, Judge.

Respondent Carmen Donegan suffered a pulmonary embolism while she was employed as a police officer by appellant Las Vegas Metropolitan Police Department (LVMPD). Donegan 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, denied the claim. An appeals officer reversed that decision, effectively granting Donegan her compensation request. Appellants then petitioned for judicial review, arguing that NRS 617.455(1) requires Donegan to show that her "disease[] of the lungs"¹ was caused by exposure to "heat, smoke,

¹Appellants acknowledge that Donegan's pulmonary embolism is a "disease[] of the lungs." Likewise, appellants appear to acknowledge that NRS 617.455(5)'s conclusive presumption applies once Donegan established that she suffered a "disease[] of the lungs."

fumes, tear gas or any other noxious gases.” The district court disagreed, reasoning that NRS 617.455(5) provided Donegan with a separate statutory basis for compensation that did not require her to establish that her pulmonary embolism was caused by heat, smoke, fumes, or noxious gases. Accordingly, the district court denied appellants’ petition. Appellants 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 Donegan and appellants. 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 in this case construed the at-issue provisions in NRS 617.455 consistent with the recent amendments to those provisions wherein the Legislature declared that a disease of the lungs need not be caused by exposure to heat, smoke, fumes, or noxious gases for a police officer’s disease

of the lungs to be compensable. Accordingly, the district court correctly denied appellants' petition for judicial review. We therefore

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Herndon


_____, J.
Stiglich


_____, J.
Cadish

cc: Hon. Carli Lynn Kierny, District Judge
Janet Trost, Settlement Judge
Hooks Meng & Clement
GGRM Law Firm
Eighth District Court Clerk