



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONIE WEYLAND,
Appellant,
vs.

No. 89828-COA

EMPLOYMENT SECURITY DIVISION,
STATE OF NEVADA, AND 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
PANASONIC CORP., AS THE
EMPLOYER,
Respondents.

ORDER OF AFFIRMANCE

Anthonie Weyland appeals from a district court order denying his petition for judicial review in an unemployment benefits matter. Second Judicial District Court, Washoe County; Tammy Riggs, Judge.¹

In 2021 Weyland resigned his employment at Panasonic and applied to receive unemployment insurance benefits. Respondent, the Employment Security Division (ESD), issued Weyland a disqualification letter finding Weyland resigned his employment without good cause and thus was not entitled to benefits. In January 2024, Weyland appeared at a

¹We direct the clerk of this court to amend the caption on this court's docket to conform with the caption on this order.

hearing before an appeals referee. During the hearing, the referee reviewed the admitted exhibits, and indicated exhibits 31-36 were difficult to read but established these exhibits contained a written complaint Weyland submitted to Panasonic.

During the hearing, Weyland testified that in early 2021, he was involved in an incident during which chemicals spilled onto his safety suit and that he orally reported the incident to a safety supervisor. However, Weyland confirmed he did not report any safety concerns to any outside agency. Weyland further testified that in April 2021, he was involved in an altercation during which his supervisor forcefully grabbed his arm. Following the incident, Weyland went on short term disability, stating that Panasonic's failure to properly investigate the incident with his supervisor caused him anxiety. Weyland was on short term disability leave from May 2021 until August 1, 2021. Because of the length of Weyland's leave, Panasonic required Weyland to undergo training upon his return and Weyland testified the supervisor involved in his altercation was responsible for supervising his training. According to Weyland, he began to believe that Panasonic intended to demote him following the completion of his training but admitted he had no evidence to support his belief. Ultimately, Weyland submitted a written resignation letter that stated he was resigning to pursue new employment.

Weyland testified he resigned due to discrimination, retaliation, and safety concerns that resulted in a hostile work environment. Although Weyland maintained he reported his concerns numerous times, both orally and in writing, he confirmed he did not report those concerns to

any outside agency because “real-life kind of interfered.” During the hearing, the appeals referee asked Weyland specific questions regarding his claims and Weyland attempted to read from prepared statements indicating he had prewritten responses he wished to rely on. The referee informed Weyland this was an informal fact-finding hearing and did not permit Weyland to read his prepared remarks, although the referee allowed Weyland to make a short closing statement.

Following the hearing, the referee issued an order finding Weyland failed to establish good cause to resign his employment and even assuming he had, Weyland failed to exhaust all reasonable reporting avenues. Weyland appealed to the Board of Review, which declined further review and adopted the decision of the appeals referee. Weyland thereafter filed a timely petition for judicial review. Following briefing, the district court denied Weyland’s petition, finding that substantial evidence supported the referee’s decision. This appeal followed.

On appeal, Weyland challenges the decisions of the appeals referee and the Board.² Specifically, Weyland maintains substantial

²Weyland additionally asserts the district court abused its discretion by relying on the hearing transcript provided by ESD because it was not transcribed by a certified court reporter. ESD maintains Weyland forfeited this argument by failing to raise it below. We agree that Weyland forfeited this claim, as it was not raised before the district court. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (stating “[a] point not urged in the trial court, unless it goes to the jurisdiction of that court,” is forfeited). And the supreme court already rejected Weyland’s argument that the appellate courts cannot consider the transcript. *Weyland v. Emp. Sec. Div.*, Case No. 89828 (Nev. Aug. 25, 2025) (Order Denying Motion)

evidence does not support the appeals referee's decision because the order contains "canned language" and boilerplate findings. In response, ESD maintains substantial evidence supports the decision.

"When reviewing an administrative unemployment compensation decision, this court, like the district court, examines the evidence in the administrative record to ascertain whether the [agency] acted arbitrarily or capriciously, thereby abusing its discretion." *Clark Cnty. Sch. 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). This court will not disturb those findings unless they are not supported by substantial evidence. *Elizondo v. Hood Mach., Inc.*, 129 Nev. 780, 784, 312 P.3d 479, 482 (2013). Substantial evidence is that which a reasonable person could find adequate to support the agency's decision. *Id.* "[F]act-based legal conclusions with regard to whether a person is entitled to unemployment compensation are entitled to deference." *Bundley*, 122 Nev. at 1445, 148 P.3d at 754. In this case, we examine the appeals referee's decision for an abuse of discretion because the Board of Review declined further review of the appeals referee's decision and thereby adopted his factual findings and reasoning. *See Nev. Emp. Sec. Dep't, v. Holmes*, 112 Nev. 275, 279-80, 914 P.2d 611, 613-14 (1996).

Having reviewed the record, we conclude substantial evidence supports the appeal referee's decision and thus we affirm the denial of the

(concluding the transcript filed in this matter can be "properly considered in this appeal"). Accordingly, this court has properly considered the record before it, which includes the challenged transcript.

petition for judicial review.³ Pursuant to NRS 612.380(1)(a), a person is ineligible for benefits if he or she voluntarily resigns employment without good cause. As detailed above, Weyland testified concerning his work environment, his attempts to address the situation, his concerns regarding a potential demotion, and his belief that Panasonic failed to adequately respond to his concerns. However, Weyland's testimony did not establish good cause for his resignation. Weyland further admitted he did not report his concerns to any outside agency nor did he have any evidence to support his speculative belief that Panasonic intended to demote him. And contrary to Weyland's argument on appeal, the appeals referee did not prevent him from introducing any evidence nor did the appeals referee err by requiring Weyland to answer the questions asked instead of presenting prepared responses. *See* NAC 612.228(1) (establishing it is the responsibility of the appeals referee to elicit relevant evidence by examining witnesses). In light of the above evidence, substantial evidence supports the appeals referee's finding that Weyland did not demonstrate he resigned due to a hostile

³Weyland maintains the district court abused its discretion by failing to order ESD to produce an audio recording of the appeals referee hearing and further argues that absent the recording this court cannot meaningfully review the evidence. We disagree as NRS 612.530(3) (2021) mandated ESD produce a "transcript of all testimony taken" and does not require the production of the audio recording. And Weyland does not maintain the transcript produced was altered or was not an accurate transcription of the recording, but instead asserts that the recording is needed to "assess the interruptions and exclusions that occurred." Accordingly, we affirm the district court's denial of Weyland's motion requesting the audio file and conclude the record is sufficient for our review.

environment or that he exhausted his reporting mechanisms. Although Weyland contends his exhibits and testimony established he resigned due to a hostile work environment, we cannot reweigh the evidence on appeal or reassess his testimony. *See Quintero v. McDonald*, 116 Nev. 1181, 1183, 14 P.3d 522, 523 (2000) (refusing to reweigh the evidence on appeal); *see also Ellis v. Carucci*, 123 Nev. 145, 152, 161 P.3d 239, 244 (2007) (refusing to reweigh credibility determinations on appeal).⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Tammy Riggs, District Judge
Anthonie Weyland
State of Nevada/DETR - Carson City
Washoe District Court Clerk

⁴Insofar as Weyland raises additional arguments, we have considered them and conclude they do not provide a basis for relief.