



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CLARK COUNTY AND CORVEL
CORPORATION,
Appellants,
vs.
JOSEPH CASTIGLIA,
Respondent.

No. 90771-COA

ORDER OF AFFIRMANCE

Clark County and its third-party insurance administrator, Corvel Corporation (Corvel), appeal from a district court order granting a petition for judicial review in a workers' compensation matter. Eighth Judicial District Court, Clark County; Hon. Jennifer L. Schwartz, Judge.

Respondent Joseph Castiglia worked as a firefighter for Clark County for approximately 25 years before retiring in 2005. In 2014, Castiglia was diagnosed with coronary artery disease, allegedly due to exposure to toxins and carcinogens. At that time, he filed an industrial insurance claim for occupational disease under NRS 617.457 and his claim for medical benefits was accepted. Castiglia's physician opined in 2022 that his heart condition rendered him permanently incapable of performing his job duties as a firefighter and it was his opinion that Castiglia was incapable of returning to his previous occupation as a firefighter. Based on that opinion, in April 2022, Castiglia requested an average monthly wage (AMW) calculation and permanent total disability (PTD) benefits, which Corvel denied.

A hearing officer subsequently affirmed the denials of the AMW calculation and PTD benefits, and an appeals officer affirmed the denials. In its written decision, the appeals officer found that the clear and unambiguous

language of NRS 617.457(14) controlled, which generally provides that retirees who file such claims may only recover medical benefits, and thus, Castiglia was barred from collecting monetary benefits, including PTD.

Castiglia timely filed a petition for judicial review, which the district court granted. The district court found that the appeals officer erred in finding that Castiglia was not entitled to PTD benefits. The court found that Senate Bill 153, which enacted NRS 617.457(14), provided an exception for certain first responders who had completed twenty years of service on the date the bill was passed, which prevented them from being limited to medical benefits only and that it was clear that Castiglia was entitled to PTD benefits pursuant to NRS 617.457(12). Thus, the district court reversed the decision and order of the appeals officer and remanded for Clark County and Corvel to issue Castiglia PTD, which although not mentioned by the district court, necessarily required them to determine his AMW. This appeal followed.

On appeal, Clark County and Corvel challenge the district court's grant of Castiglia's petition for judicial review and argue the appeals officer properly concluded that Castiglia was not entitled to PTD benefits under NRS 617.457. Clark County and Corvel assert NRS 617.457(14) unambiguously provides that Castiglia was only entitled to medical benefits, and the exception set forth in section 6 of Senate Bill 153 does not apply because Castiglia's disablement occurred seven years after the bill's effective date. In response, Castiglia argues the district court properly granted his petition because section 6 of S.B. 153 explicitly states that NRS 617.457(14) does not apply to those with 20 years of creditable service as a firefighter on the bill's effective date, so he is not precluded from receiving monetary benefits.

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 firefighters. 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 . . . firefighter . . . 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 . . . firefighter 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, section 6 of S.B. 153 includes two exceptions to this limitation:

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 . . . firefighter . . . in this State.

2015 Nev. Stat., ch. 420, § 6, at 2433. Section 6 of S.B. 153 was approved by the Governor and enacted into law on June 8, 2015, its effective date. *See* 2015 Nev. Stat., ch. 420, §§ 6-7, at 2433.

Relying exclusively on the language in subsection 1, Clark County and Corvel contend that NRS 617.457(14) applies to Castiglia, preventing him from recovering PTD benefits, because his disablement occurred on or after the statute's June 8, 2015, effective date. Although Clark County and Corvel concede that Castiglia "might meet the second prong of Sec. 6," they argue that "the conjunctive 'and' in the first prong means that BOTH subsections 1 AND 2 apply." However, we addressed and rejected that same conjunctive test argument in *Munson*. There, we determined that the two subsections within section 6 do not establish a conjunctive test and that reading them as such would render subsection 2 nugatory. *See Munson*, 141 Nev., Adv. Op. 28, 574 P.3d at 429-30. As we explained,

subsections 1 and 2 are independent phrases addressing the applicability of the amendatory provisions. Moreover, the two provisions are logically unrelated—subsection 1 addresses which *disablements will be* impacted by the amendment, and subsection 2 addresses which *persons will not be* impacted by the amendment.

Id. at 429 (emphasis in original).

Because subsections 1 and 2 are independent provisions, we held that NRS 617.457(14) would not prevent a retired firefighter "from seeking permanent total disability benefits if [they] had 'completed at least 20 years of creditable service' as a firefighter at the time section 6 became effective in 2015, regardless of when [they] became disabled." *Id.* at 430. In this case, where Castiglia had approximately 25 years of creditable service as a firefighter before section 6 became effective, NRS 617.457(14) did not prevent him from recovering PTD benefits. We therefore conclude the appeals officer

erroneously determined he was not entitled to the PTD benefits allowed under NRS 617.457(12), and that the district court properly granted his petition for judicial review.

To the extent Clark County and Corvel argue that Castiglia 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), 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 firefighters, like Castiglia, 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 firefighters from such benefits would render NRS 617.457(12) and section 6 of S.B. 153 nugatory. *See Munson*, 141 Nev., Adv. Op. 28, 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)); *City of N. Las Vegas v. Crespo*, No. 89368-COA, 2026 WL 490917, at *3 n.2 (Nev. Ct. App. Feb. 20, 2026) (Order of Affirmance) (rejecting this argument and explaining that such an interpretation would render NRS 617.457(12) and section 6 of S.B. 153 nugatory).

Furthermore, Clark County and Corvel argue that, even if Castiglia was entitled to seek PTD benefits, the net result would be an award of \$0 because he was retired at the time he became disabled, relying on *Howard v. City of Las Vegas*, 121 Nev. 691, 120 P.3d 410 (2005). Conversely, Castiglia asserts that this argument has been rejected by *Munson* and other caselaw.

In *Howard*, the Nevada Supreme Court considered whether a retired firefighter was entitled to temporary total disability benefits pursuant to NRS 617.420. 121 Nev. at 695, 120 P.3d at 412. The supreme court

concluded that because the appellant was retired and not earning an actual wage at the time of his disability, he was not entitled to disability compensation in the form of lost wages. *Id.* at 695, 120 P.3d at 412.

However, we determined in *Munson* that this provision did not apply to a claimant who sought compensation for a permanent total disability. 141 Nev., Adv. Op. 28, 574 P.3d at 431; *cf.* NRS 617.420(1) (“No compensation may be paid under this chapter for temporary total disability which does not incapacitate the employee for at least 5 cumulative days within a 20-day period from earning full wages . . .”). This court further explained that, unlike the temporary disability benefits at issue in *Howard*, permanent total disability benefits are not intended as wage replacement. *Id.* Thus, we concluded that the appeals officer properly relied on supreme court caselaw and considered the wages Munson was earning in 2013 when she retired as a firefighter to calculate her PTD benefits. 141 Nev., Adv. Op. 28, 574 P.3d at 431; *see also DeMaranville v. Emps. Ins. Co. of Nev.*, 135 Nev. 268, 448 P.3d 534 (2019) (concluding that a retired police officer’s occupational heart disease for purposes of an original death benefits claim occurs “on the last day of the disease-risk exposure that is causally connected to the disease”); *Clark County v. Bean*, 136 Nev. 579, 583, 473 P.3d 1030, 1033 (2020) (concluding that a retired firefighter’s compensation for permanent partial disability benefits due to cancer “must be based on the wages he was earning at the time he retired” because that was the last day the disease-risk exposure was causally connected to the disease). Accordingly, Clark County and Corvel’s argument that Castiglia does not have wages to calculate PTD benefits is without merit. *See Munson*, 141 Nev., Adv. Op. 28, 574 P.3d at 431.

In light of the foregoing, the appeals officer's decision and order was an abuse of discretion. Therefore, we affirm the district court's decision to grant the petition for judicial review. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Jennifer L. Schwartz, District Judge
Ara H. Shirinian, Settlement Judge
GGRM Law Firm
Hooks Meng & Clement
Eighth District Court Clerk

¹As we conclude that oral argument of this matter is not warranted, we deny Clark County and Corvel's petition for oral argument.