FILED
11/25/2026
ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HAMED CHOWDHURY, Appellant, vs. STATE OF NEVADA, DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION, EMPLOYMENT SECURITY DIVISION AND THEIR REPRESENTATIVES AS FOLLOWS; TANYA (LAST NAME UNKNOWN) IN HER CAPACITY AS THE ADMINISTRATOR, DAWN BEAM, IN HER CAPACITY AS THE REFEREE FOR THE APPEALS TRIBUNAL, THOMAS SUSICH, CHAIRPERSON OF THE BOARD OF REVIEW, Respondents.[1]	No. 92303-COA

ORDER OF REVERSAL AND REMAND

Hamed Chowdhury appeals from a district court order granting a motion to dismiss a petition for judicial review. Second Judicial District Court, Washoe County; Hon. Tammy Riggs, Judge.

Chowdhury was fired from his position at the Grandlodge Casino as a surveillance operator in October 2024. He sought unemployment benefits, which respondent the Nevada Department of Employment, Training and Rehabilitation, Employment Security Division (ESD) denied. He appealed that decision, and the appeals referee affirmed. The Board of Review declined further review of the decision. The Board's decision became final on September

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

2, 2025, and the decision noted that the final date for "[a]n appeal" to the district court was September 15, 2025.[2] On September 10, 2025, Chowdhury mailed to the Second Judicial District Court a pleading for filing titled "Notice of Appeal." This pleading sought judicial review of the Board's decision pursuant to NRS 612.525 and NRS 612.530. However, the Second Judicial District Court clerk's office rejected Chowdhury's pleading, noting that it could not be filed because electronic filing is mandatory for all cases, citing to the Second Judicial District Court's Administrative Order 2018-12, and because the document was missing a district court case number.

On December 2, 2025, Chowdhury filed a pleading labelled "petition for judicial review." Within that filing, he explained how he timely sent his petition on September 10 to the district court for filing via certified mail, but the clerk's office rejected the filing and informed him that all documents for filing with the court had to be filed electronically. He attached as exhibits, among other things, his September pleading and the notice of rejection he received. Respondents, which include ESD and several of its employees and officials, filed a motion to dismiss, arguing that any petition for judicial review must be filed with the district court within 11 days after the decision of the Board becomes final but that Chowdhury's petition was not filed with the court until December 2, nearly three months after the deadline as set forth in NRS 612.530(1) and the Board's decision. Thus, respondents argued

[2]The 11-day period to seek judicial review of the Board's decision, *see* NRS 612.530(1), ended on September 13, a Saturday, and was therefore extended to the following Monday. *See* NRCP 6(a)(1)(C) (providing that, when a statute does not provide how to compute time, if the last day of the period "is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday").

dismissal was warranted. The motion to dismiss did not address Chowdhury's prior September attempted filing.

In response, Chowdhury argued that his petition was received by the district court's clerk's office on September 15, 2025. He claimed that he was informed by the representatives of the clerk's office on September 12 that his pleading, once received, would be converted into PDF format and scanned into the court's electronic filing system and a new case number would be generated. But according to Chowdhury a letter from the clerk's office was later mailed to him rejecting his pleading. He argued that as a pro-se litigant, he did not need to electronically file his pleading, as he could effectuate filing by mailing a hard copy of his pleading to the court for filing, and that he had complied with the timing requirement in seeking judicial review by the district court. Respondents did not file a reply responding to these assertions.

Subsequently, the district court entered an order granting the motion to dismiss. The court found Chowdhury's petition untimely under NRS 612.530, noting that he received a copy of the final ruling by the Board of Review on August 22, but he did not file his petition until December 2. The court concluded that the deadline for seeking judicial review is mandatory and jurisdictional and that he filed his request well past the 11-day statutory deadline. Thus, the court found that it lacked jurisdiction. The district court's order did not address Chowdhury's arguments as to his attempted September filing. This appeal followed.

On appeal, Chowdhury argues that he timely mailed his petition for judicial review within the 11-day window under NRS 612.530, but the district court failed to docket it. He asserts that he was made aware of the deficiency only after the deadline had passed and that he subsequently electronically filed the petition. He argues that his initial September pleading

was sufficient to establish jurisdiction, even if the document was not expressly labeled as a petition for judicial review, as notice was clear and concise and service made to all parties involved. He further argues that while his pleading was rejected because it was not electronically filed, he is not an attorney and filing a hard copy of any document with the court has the same legal effect as electronic filing. He also argues that NRS 612.530 did not require him to electronically file his petition to commence a proceeding for judicial review in the district court. Thus, he asserts that when the district court's clerk's office received his pleading on September 15, an action was commenced under NRS 612.530.

Our consideration of whether the district court's dismissal of Chowdhury's petition for judicial review was proper begins by examining NRS 612.530, which sets forth the procedure for seeking judicial review of a Board of Review's decision in an unemployment matter. We review a decision to dismiss a petition for judicial review for lack of subject matter jurisdiction de novo. *Whitfield v. Nev. State Pers. Comm'n*, 137 Nev. 345, 349, 492 P.3d 571, 575 (2021). This court reviews factual findings for clear error or arbitrary abuse of discretion and will not overturn them if they are supported by substantial evidence. *Day v. Washoe Cnty. Sch. Dist.*, 121 Nev. 387, 389, 116 P.3d 68, 69 (2005). A party has "11 days after the decision of the [ESD] Board of Review has become final" to file a petition for judicial review, NRS 612.530(1), and the timing requirement is "jurisdictional and mandatory." *Bd. of Review, Nev. Dep't of Emp't, Training & Rehab. v. Second Jud. Dist. Ct.*, 133 Nev. 253, 255, 396 P.3d 795, 797 (2017).

Here, in granting dismissal, the district court expressly found that Chowdhury failed to comply with NRS 615.530(1), as his December petition for judicial review was not filed within 11 days after the decision of the Board of

Review became final. However, the district court did not address Chowdhury's argument that he mailed a pleading for filing that sought judicial review, which the district court's clerk's office received on September 15 before NRS 612.530(1)'s 11-day deadline expired, but failed to file. Because the district court did not address Chowdhury's argument, it is unclear whether the court was aware of his September pleading, or if the court was intending to reject Chowdhury's assertions that he complied with NRS 615.530(1) with respect to his September pleading. *Cf. Boonsong Jitnan v. Oliver*, 127 Nev. 424, 433, 254 P.3d 623, 629 (2011) ("Without an explanation of the reasons or bases for a district court's decision, meaningful appellate review, even a deferential one, is hampered because we are left to mere speculation."). Thus, there are factual questions raised by Chowdhury in response to the motion to dismiss, which neither respondents nor the district court addressed before the district court dismissed the action. To that end, "[t]his court is not a fact-finding tribunal; that function is best performed by the district court." *Zugel v. Miller*, 99 Nev. 100, 101, 659 P.2d 296, 297 (1983); *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (recognizing that "an appellate court is not an appropriate forum in which to resolve disputed questions of fact"); *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.").

Given the lack of findings, we necessarily reverse the district court's order to the extent it failed to consider Chowdhury's contention that he timely complied with NRS 615.530(1) in submitting his September pleading for filing and remand for the court to consider that argument and make the requisite factual and legal findings, including the applicability of the electronic filing rules to pro se litigants pursuant to NEFCR 4(b) (clarifying that "[s]elf-

represented litigants who are not attorneys *may* elect to file electronically." (emphasis added)). *See Davis v. Ewalefo*, 131 Nev. 445, 450, 352 P.3d 1139, 1142 (2015) (explaining that, although this court reviews a district court's discretionary determinations deferentially, deference is not owed to legal error, or to findings so conclusory they may mask legal error); *Soldo-Allesio v. Ferguson*, 141 Nev., Adv. Op. 9, 565 P.3d 842, 850 (Ct. App. 2025) (explaining that an error is reversible if "we cannot conclude that the result would have been the same if the error had not occurred").[3]

Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

Bulla, C.J.

Gibbons, J.

Westbrook, J.

[3]Although this court generally will not grant a pro se appellant relief without first providing a respondent an opportunity to file an answering brief, *see* NRAP 46A(c) (stating the same), in light of the basis for our reversal and respondents' failure to respond to Chowdhury's assertion concerning his September pleading below, *see Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52-53, 623 P.2d 981, 983-84 (1981) (declining to consider issues that were not raised before the district court), the filing of an answering brief would not aid this court's resolution of these issues, and thus, no such brief has been ordered.

cc: Hon. Tammy Riggs, District Judge
State of Nevada/DETR - Carson City
Hamed Chowdhury
The Second Judicial District Court of the State of Nevada, in and for the County of Washoe, District Court Clerk