

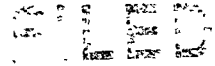
IN THE SUPREME COURT OF THE STATE OF NEVADA

MARGARET COLEMAN,
Appellant,

vs.

DEPARTMENT OF ADMINISTRATION
HEARING DIVISION,
Respondent.

No. 39543



DEC 13 2002

CLERK OF SUPREME COURT
J. Richard
CLERK OF SUPREME COURT

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing appellant's petition for judicial review.¹ Because the district court lacked jurisdiction over appellant's petition, it properly dismissed it.

In April 1980, Margaret Coleman filed a worker's compensation claim, which was denied in June 1980. The claim denial was upheld through two levels of administrative review and by the district court on judicial review. In August 1982, Coleman requested claim reopening. Reopening was denied because there was no claim to reopen. That decision was affirmed by an administrative hearing officer and an appeals officer.

¹Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered all documents received from her.

In December 2000, Coleman again requested claim reopening, and the request was again denied. That decision, too, was upheld by an administrative hearing officer and an appeals officer.

On October 23, 2001, appellant petitioned the district court for judicial review of the appeals officer's June 5, 2001 order. Employers Insurance Company of Nevada moved to dismiss the petition as untimely, and the district court granted the motion to dismiss.

In doing so, the district court did not err. Courts have no inherent appellate jurisdiction over official acts of administrative agencies; thus, courts may review agency decisions only if the legislature has made some statutory provision for judicial review.² The time allotted by statute for seeking judicial review is jurisdictional, and to invoke the appellate jurisdiction of the district court, a petition for judicial review must be timely filed.³

In this case, the Nevada Industrial Insurance Act and the Administrative Procedure Act authorize judicial review.⁴ NRS 233B.130(2)(c) gave Coleman 30 days after service of the appeals officer's final decision within which to file a petition for judicial review, and NRCP

²Crane v. Continental Telephone, 105 Nev. 399, 401, 775 P.2d 705, 706 (1989).


³Id.; see also Fitzpatrick v. State, Dep't of Commerce, 107 Nev. 486, 488, 813 P.2d 1004, 1005 (1991).

⁴NRS 616C.370; NRS 233B.130(1).

6(e) added 3 days because service was by mail. Coleman had to file her petition by Monday, July 9, 2001, to invoke the district court's appellate jurisdiction. She was more than 3 months too late, and the untimely petition failed to vest jurisdiction in the district court. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Shearing


_____, J.
Leavitt


_____, J.
Becker

cc: Hon. Nancy M. Saitta, District Judge
Margaret Coleman
Beckett & Yott, Ltd./Las Vegas
Clark County Clerk