

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAMELA M. DOUTHIT,
Appellant,
vs.
THE STATE OF NEVADA
EMPLOYMENT SECURITY DIVISION,
AND VOLT MANAGEMENT/FRICK,
Respondents.

No. 40221

FILED

MAY 20 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

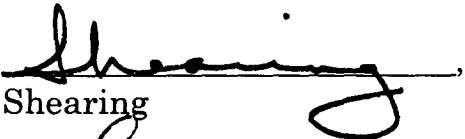
This is a proper person appeal from a district court order, entered on judicial review, which affirmed a Nevada Employment Security (ESD) Board of Review determination that appellant is ineligible under NRS 612.380 for unemployment compensation because she voluntarily quit her job without good cause. As long as the Board's findings of fact are supported by substantial evidence and there is no evidence of fraud, they are conclusive and judicial review is limited to questions of law.¹

We have reviewed the record, and we conclude that the district court did not err. There is no evidence of fraud, and substantial evidence supports the Board's finding that appellant quit her job voluntarily, because it was "not for her" and not for good cause. The record shows that appellant worked for Volt Management, a staffing service employer, for about a week in September 2001. On Tuesday, September 4, 2001, appellant was assigned to work at BTS Northwood as a warehouse person. On September 5, 2001, she called Volt Management to say that she had to leave her job at noon to attend a funeral. Appellant

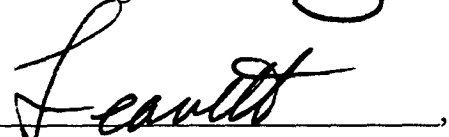
¹NRS 612.530(4); Nevada Emp. Sec. Dept. v. Nacheff, 104 Nev. 347, 349, 757 P.2d 787, 788 (1988); State Emp. Sec. Dep't v. Weber, 100 Nev. 121, 124, 676 P.2d 1318, 1320 (1984).

worked on September 6 and 7, 2001, but did not return to her job after the weekend. She called Volt Management on Monday, September 10, 2001, to say that she would not be at work, but gave no reason. Appellant then called Volt Management on Wednesday, September 12, 2001, and said that she would not be returning to BTS because the job was not for her. Although appellant later explained that her daughters, seven and ten, were ill with the flu, and maintained that she quit her job because they were sick and she could not obtain affordable child care for them, the appeals officer found the employer's evidence more credible. Credibility determinations are not open to judicial review.² Because the district court properly affirmed ESD's determination that appellant is not entitled to unemployment compensation,³ we

ORDER the judgment of the district court AFFIRMED.⁴



Shearing, J.



Leavitt, J.



Becker, J.

²State, Emp. Security v. Hilton Hotels, 102 Nev. 606, 608 n.1, 729 P.2d 497, 498 n.1 (1986).

³Under NRS 612.380(1)(a), a person is ineligible for benefits for the week in which she voluntarily left her employment without good cause.

⁴Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from her.

cc: Hon. Steven P. Elliott, District Judge
Pamela M. Douthit
Crowell Susich Owen & Tackes
Volt Management/Frick
Washoe District Court Clerk