

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH HUBBARD,  
Appellant,

vs.

EMPLOYMENT SECURITY DIVISION  
OF THE NEVADA DEPARTMENT OF  
REHABILITATION; STANLEY P.  
JONES, IN HIS CAPACITY AS  
ADMINISTRATOR OF THE  
EMPLOYMENT SECURITY DIVISION;  
LINDA K. LEE, IN HER CAPACITY AS  
CHAIR OF THE EMPLOYMENT  
SECURITY BOARD OF REVIEW; AND  
SPECIAL OPERATIONS ASSOCIATE  
DON SCHAMALIA, IN HIS CAPACITY  
AS OPERATIONS MANAGER,  
Respondents.

No. 40454

FILED

DEC 30 2002

CLERK OF SUPREME COURT  
*J. Richard*  
CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order granting appellant's petition for judicial review, finding that respondents did not commit fraud and remanding the matter to the Employment Security Division Board of Review with instructions that appellant be provided a hearing on the merits. We conclude that we lack jurisdiction and therefore must dismiss this appeal.

Only an aggrieved party may appeal,<sup>1</sup> and appellant is not an aggrieved party. Appellant had appealed an administrative determination that he was not entitled to unemployment benefits, and the matter was set for hearing; however, the hearing officer dismissed the appeal because

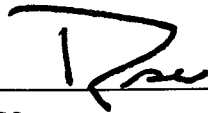
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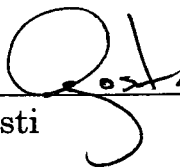
<sup>1</sup>NRS 233B.150; NRAP 3A(a).

appellant failed to appear at the hearing. Appellant appealed the dismissal on the basis that he did not receive notice. The Board of Review affirmed the dismissal and appellant petitioned the court for judicial review. Appellant is not aggrieved by the district court's order granting his petition and remanding the matter for a hearing on the merits. Consequently, because we lack jurisdiction, we

ORDER this appeal DISMISSED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Young

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Agosti

cc: Hon. Michelle Leavitt, District Judge  
Kenneth Hubbard  
Crowell Susich Owen & Tackes  
Clark County Clerk

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<sup>2</sup>Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from him.