

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT A. HADDIX,  
Appellant,  
vs.  
C.S.K. AUTO INC.,  
Respondent.

No. 42582

**FILED**

MAR 03 2005

ORDER OF AFFIRMANCE

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

This is a proper person appeal from a district court order denying a petition for judicial review of an unemployment benefits claim. Eighth Judicial District Court, Clark County; David Wall, Judge.

Appellant Albert Haddix applied to the Nevada Department of Training, Employment and Rehabilitation for unemployment benefits. The Department denied his claim. Haddix administratively appealed the Department's decision. The Department sent Haddix timely notice of an appeals hearing, but Haddix failed to appear. Consequently, the Department dismissed Haddix's administrative appeal. Haddix sought judicial review from the district court, but the district court denied his petition.

This court's role in reviewing an administrative decision is identical to that of the district court.<sup>1</sup> We review the record below and determine whether the administrative body acted arbitrarily or capriciously.<sup>2</sup> We have reviewed the record, and we conclude that the


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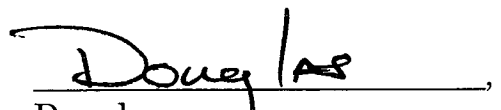
<sup>1</sup>Titanium Metals Corp. v. Clark County, 99 Nev. 397, 663 P.2d 355 (1983).

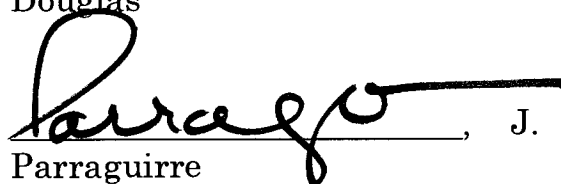
<sup>2</sup>State, Emp. Sec. Dep't v. Weber, 100 Nev. 121, 676 P.2d 1318 (1984).

Department's decision was not arbitrary or capricious. Because Haddix neglected to appear at a properly noticed appeals hearing, the Department was statutorily authorized to deny his appeal.<sup>3</sup> Accordingly, we affirm the district court's order.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. David Wall, District Judge  
Crowell Susich Owen & Tackes  
Albert A. Haddix  
Clark County Clerk

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<sup>3</sup>See NRS 233B.121(5).