



HOW TO APPEAL FROM A DENIAL OF UNEMPLOYMENT BENEFITS

Updated April 2022

In order to have a court review a final decision of the board of review, a petition for judicial review must be filed within 11 days of the date the Board of Review's decision becomes final. After service of the petition is completed, the Employment Security Division (ESD) will provide you with copies of your record from the ESD and a copy of the transcript of the hearing before the Appeals Referee. These documents will be helpful in preparing your legal brief and your argument to the court.

The following instructions and attached model petition are intended to assist individuals in proceeding on their own at the initial stage of the review process. The filing and service of the petition within the required time period will preserve your appeal.

There are, however, further documents that must be filed in order to have your appeal heard by the court. These documents, such as a legal brief, are not covered by these instructions and may be difficult for a non-attorney to accomplish. Once you have received a copy of the record, it is suggested that you contact legal counsel before proceeding on your own. You can find a sample Opening Brief on our website at nevadalegalservices.org/forms.

INSTRUCTIONS

I. INTRODUCTION

In order to perfect your appeal, you will need to:

1. File a Petition for Judicial Review in the district court of the county where you filed your claim for unemployment benefits (county where you worked);
2. File a Civil Cover Sheet;
3. Pay the required filing fees or request that the court waive the fees by filing an Application to Proceed In Forma Pauperis;
4. **Serve the Petition by personally serving 4 copies of the Petition along with a Summons. You serve all of the parties by serving all 4 copies of the Petition and a copy of the Summons on the ESD Administrator in Carson City.

**Serve the Petition by mailing a copy for all of the individuals/entities listed on the Petition by mailing 4 copies of the petition to the ESD Administrator.

**Please note: A recent Supreme Court decision in *State v. DeRosa* held that service of Petitions for Judicial Review by mail was acceptable. While the decision did not specifically reference NRS 612, the same basic principles apply. ESD is currently challenging service by mail. If you decide to serve by mail, please be aware that you are likely to receive a Motion to Dismiss from ESD until such time as the Court weighs in on service by mail in unemployment cases.

**We still strongly advise to serve by mail if you are filing a fee waiver to have the Sheriff personally serve the petition in Carson City. You must serve your Petition on ESD within 45 days of the date you file the petition.

II. COMPLETION OF PETITION FOR JUDICIAL REVIEW

Fill in the blanks in the sample petition as follows:

Blank #1: Appropriate District

Blank #2: Applicable County (county where you worked) (NOTE: If filed in the First Judicial District Court in Carson City, this should read IN AND FOR THE COUNTY OF CARSON CITY.)

Blank #3: YOUR NAME (all in capital letters)

Blank #4: The name of the opposing employer (all in capital letters) **ONLY for UI appeals. PUA appeals do not need an employer.

- Blank #5: YOUR NAME (all in capital letters)
- Blank #6: Date of the decision of the Board of Review
- Blank #7: YOUR NAME (all in capital letters)
- Blank #8: Your written/electronic signature
- Blank #9: Your typewritten name (all in capital letters) underneath “In Proper Person” and type your address and telephone number.

III. PREPARING THE PETITION FOR FILING

Once the Petition is signed, you should make 5 copies. Take the original and all copies to the Court for filing along with your Civil Cover Sheet for the appropriate court. The Court will keep the original Petition and return to you all the 5 file-stamped copies. **KEEP ONE COPY FOR YOUR RECORDS.**

**Please note: The Washoe County District Court may only file stamp 2 of the copies. In Washoe County you may want to make 2 copies and then make the additional 2 copies after you have the petition file stamped. Again, keep one copy for your records.

IV. PREPARING THE SUMMMONS

If you choose to serve the Petition on ESD personally, you will need to complete a summons along with the Petition. The best place to get a blank summons form is from the forms from the court in which you are filing.

1. The Summons should be directed to Lynda Parven, in her capacity as Administrator of the Employment Security Division.
2. Make 2 copies of the summons. Take the original Summons and the photocopies to the Court to be issued. The Summons is not served at that time and will not be file stamped.
3. Include a COPY of the summons with the 4 copies of the file-stamped Petition – **DO NOT ATTACH THE ORIGINAL SUMMONS TO THE COPIES OF THE PETITIONS, THE ORIGINAL SUMMONS MUST BE RETURNED TO THE COURT WITH THE PROOF OF SERVICE.**

V. SERVE THE PETITION AND THE SUMMONS ON EACH PARTY

By Mail: You will need to mail 4 of the copies (again 3 for PUA appeals) of the Petition for Judicial Review and the Summons to the ESD Administrator *within 45 days of filing the Petition for Judicial Review.* The address of the ESD Administrator is:

Lynda Parven, Administrator
Employment Security Division
500 E. Third Street
Carson City, Nevada 89713

NOTE: Pursuant to NRS 612.530 the ESD Administrator is responsible for mailing the Petition to the other respondents to your petition.

NOTE: You may mail the petition and complete the Certificate of Mailing.

After service is completed, you need to complete the Certificate of Mailing and file it with the court.

Personal Service: Because ESD is seeking to dismiss petitions that are only served by mail, you may choose to personally serve the petition. Personal service of all four copies (again 3 if a PUA appeal) of the Summons and Petitions must be made ***within 45 days of filing the Petition for Judicial Review*** upon:

Lynda Parven, Administrator
Employment Security Division
500 E. Third Street
Carson City, Nevada 89713

NOTE: Pursuant to NRS 612.530, the Administrator is responsible for mailing the Petition to the other defendants.

NOTE: As a party to the action you may not personally serve the Petition on the opposing party – a third person or non-interested party must complete service.

NOTE: You may have the Sheriff in Carson City serve your Petition as long as the service will be completed within 45 days of filing the Petition for Judicial Review. If the court has approved a fee waiver for service of the petition, you may have the Sheriff serve the petition without cost. You can mail the Petition, the Order granting your fee waiver, or a check/money order for \$78.00 made out to the Carson City Sheriff to:

Carson City Sheriff's Office
c/o Kathy Thomas
911 E. Musser Street
Carson City, NV 89701

After service is completed – the process server must complete the Affidavit of Service. Once you receive the Affidavit of Service back from the process server, you will attach it to each original Summons. You must now file with the Court the original Summons and Affidavit of Service for each party.

VI. NEXT STEPS

After you serve the petition on ESD, the agency is responsible for filing the record with the District Court pursuant to NRS 612. Once the record is submitted you will need to prepare and file an Opening Brief within 40 days of the submission of the record unless otherwise ordered by the court. Your Opening Brief is where you will lay out your legal arguments to support your petition and you must reference specific facts from the Record filed by ESD. Again, it is advised to speak with a lawyer before preparing your Opening Brief. We have a form Opening Brief on our website for cases involving misconduct. Please see our YouTube channel for more information on the process of filing the Petition for Judicial Review and on PUA and unemployment benefits, denials and appeals. You may visit our Unemployment Benefits Playlist on our YouTube channel: [Nevada Legal Services Now!](#)