



HOW TO APPEAL FROM A DENIAL OF UNEMPLOYMENT BENEFITS

In order to have a court review a final decision of the board of review, a petition for judicial review must be filed and summonses issued within 11 days of the date the decision becomes final. After service of the summons and 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.

INSTRUCTIONS

I. INTRODUCTION

In order to perfect you 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;
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. Personally serve the Petition and a Summons on all of the individuals/entities referenced herein.

II. COMPLETION OF PETITION FOR JUDICIAL REVIEW

(DO NOT use the attached form – You should make arrangements to re-type the information contained in the Petition on 8 ½ x 11 legal lined paper.)

Fill in the blanks in the sample petition as follows:

- Blank #1: Appropriate District
- Blank #2: Applicable County (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)
- 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 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 and notarized, you should make 5 copies. Take the original and all copies to the Court for filing along with your Civil Cover Sheet and Summonses (see below). The Court will keep the original Petition and return to you all the 5 file-stamped copies. **KEEP ONE COPY FOR YOUR RECORDS.**

IV. PREPARING THE SUMMMONS

You will need to complete a summons for each individual/entity that is required to be named in the Petition. Each Summons should be filled-out separately and individually as follows:

1. The first Summons should be directed to the EMPLOYMENT SECURITY DIVISION, STATE OF NEVADA.
2. The remaining 3 Summons should be directed separately and individually as follows:
 - a. CYNTHIA JONES, in her capacity as Administrator of the EMPLOYMENT SECURITY DIVISION
 - b. KATIE JOHNSON, in her capacity as Chairwoman of the EMPLOYMENT SECURITY DIVISION BOARD OF REVIEW
 - c. YOUR FORMER EMPLOYER (Name of Employer)
3. Make a photocopy of each completed Summons.
4. Take the original Summons and all photocopies to the Court to be issued.
5. Attach the copies of the 4 Summons individually and separately to 4 of the file-stamped copies of the 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

Personal service of all four copies of the Summons and Petitions must be made within 45 days of issuance upon:

Cynthia Jones, Administrator
Employment Security Division
500 E. Third Street, Suite 207
Carson City, Nevada 89713

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

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

After service is completed – the process server must complete the Affidavit of Service on the reverse side of each of the ORIGINAL Summons. The process server's signature must be notarized.

You must now file with the Court the Affidavit of Service.

WHEREFORE, the Petitioner, ____8____ prays for the following relief:

1. That the decision of the NEVADA EMPLOYMENT SECURITY DIVISION BOARD OF REVIEW be reversed, and the Petitioner be determined to be eligible for the unemployment compensation benefits for which he/she has applied.
2. That this court grant such other and further relieve as may be just, equitable and proper.

DATED this _____ day of _____, ____.

Respectfully submitted,

In Proper Person
(address)