

CLERK OF THE COURT

Electronically Filed
May 16 2014 01:18 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 **NOAS**
2 J. THOMAS SUSICH, ESQ.
3 Nevada State Bar No. 898
4 STATE OF NEVADA, Department of
5 Employment, Training & Rehabilitation (DETR),
6 Employment Security Division (ESD)
7 1325 Corporate Boulevard, Suite C
8 Reno, Nevada 89502
9 Telephone No.: (775) 823-6673
10 Facsimile No.: (775) 823-6691
11 *Attorney for DETR/ESD*

7
8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 CALVIN STEVEN MURPHY,

11 Petitioner,

12 vs.

CASE NO.: A689756

DEPT. NO.: I

13 EMPLOYMENT SECURITY DIVISION,
14 STATE OF NEVADA and RENEE OLSON,
15 in her capacity as Administrator of the
16 EMPLOYMENT SECURITY DIVISION;
17 KATIE JOHNSON, in her capacity as
18 Chairperson of the EMPLOYMENT
19 SECURITY DIVISION BOARD OF
20 REVIEW; and GREYSTONE PARK
21 APARTMENTS, as employer,

22 Respondents.

23 **NOTICE OF APPEAL**

24 **TO:** PETITIONER and the CLERK OF THE ABOVE-ENTITLED COURT:

25 **NOTICE IS HEREBY GIVEN** that the Administrator, State of Nevada,
26 Department of Employment, Training and Rehabilitation, Employment Security Division (ESD),
27 Respondent above-named, hereby appeals to the Supreme Court of Nevada from the Order

1 granting Petition for Judicial Review and reversing the decision of the Nevada Employment
2 Security Division Board of Review, entered in this action on April 28, 2014.

3 **DATED** this 13th day of May, 2014.

4
5 

6 J. THOMAS SUSICH, ESQ.

7 *Attorney for Nevada ESD Respondents*
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of the State of
3 Nevada, over the age of 18 years; and that on the date hereinbelow set forth, I served a true and
4 correct copy of the foregoing NOTICE OF APPEAL, by placing the same within an envelope
5 upon which all first class postage and fees were fully prepaid and affixed and which was
6 thereafter sealed and deposited for mailing with the United States Postal Service at Reno,
7 Nevada, addressed for delivery as follows:


8 Ron Sung, Esq.
9 I. Kristine Bergstrom, Esq.
10 Nevada Legal Services, Inc.
530 S. Sixth Street
Las Vegas, NV 89101

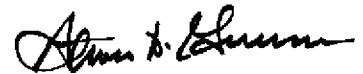
11 Greystone Park Apartments
12 5050 S. Duneville
Las Vegas, NV 89118

13 *And via e-file Courtesy Copy to:*

14 Dept01LC@clarkcountycourts.us

15 **DATED** this 13th day of May, 2014.

16 
17 SHERI C. HORNSBY
18
19
20
21
22
23
24



CLERK OF THE COURT

1 **ASTA**
2 J. THOMAS SUSICH, ESQ.
3 Nevada State Bar No. 898
4 STATE OF NEVADA, Department of
5 Employment, Training & Rehabilitation (DETR),
6 Employment Security Division (ESD)
7 1325 Corporate Boulevard, Suite C
8 Reno, Nevada 89502
9 Telephone No.: (775) 823-6673
10 Facsimile No.: (775) 823-6691
11 *Attorney for DETR/ESD*

7
8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 CALVIN STEVEN MURPHY,

11 Petitioner,

12 vs.

CASE NO.: A689756

DEPT. NO.: I

13 EMPLOYMENT SECURITY DIVISION,
14 STATE OF NEVADA and RENEE OLSON,
15 in her capacity as Administrator of the
16 EMPLOYMENT SECURITY DIVISION;
17 KATIE JOHNSON, in her capacity as
18 Chairperson of the EMPLOYMENT
19 SECURITY DIVISION BOARD OF
20 REVIEW; and GREYSTONE PARK
21 APARTMENTS, as employer,

22 Respondents.

23 **CASE APPEAL STATEMENT**

24 **1. Name of appellant filing this case appeal statement:**

25 Employment Security Division, State of Nevada, Renee Olson, in her capacity as
26 Administrator; Katie Johnson in her capacity as Chairperson of the Employment Security Division
27 Board of Review, collectively, "ESD."

28 ///

1 2. Identify the judge issuing the decision, judgment or order appealed from:

2 Honorable Kenneth E. Cory, Department I, Clark County District Court.

3 3. Identify each appellant and the name and address of counsel for each
4 appellant:

5 Employment Security Division, State of Nevada; Renee Olson, in her capacity as
6 Administrator of the Employment Security Division; Katie Johnson, in her capacity as Chairperson
7 of the Employment Security Division Board of Review, collectively "ESD," represented by J.
8 Thomas Susich, Esq., Division Senior Legal Counsel, 1325 Corporate Boulevard, Suite C, Reno,
9 NV 89502.

10 4. Identify each respondent and the name and address of counsel for each
11 respondent:

12 Calvin Murphy, represented in the Eighth Judicial District Court by Ron Sung, Esq., and I.
13 Kristine Bergstrom, Esq., Nevada Legal Services, Inc., 530 So. Sixth St., Las Vegas, NV 89101.

14 5. Indicate whether any attorney identified above in response to question 3 or 4
15 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney
16 permission to appear under SCR 42 (attach a copy of any district court order granting such
17 permission):

18 All three attorneys in responses to questions 3 and 4 are licensed to practice law in Nevada.

19 6. Indicate whether appellant was represented by appointed or retained counsel
20 in the district court:

21 Appellants were represented by retained counsel in the district court.

22 7. Indicate whether appellant is represented by appointed or retained counsel
23 on appeal:

24 Appellants will be represented by the same retained counsel on appeal.

1 8. Indicate whether appellant was granted leave to proceed in forma pauperis,
2 and the date of entry of the district court order granting such leave:

3 No, appellants did not apply for and were not granted leave to proceed in forma pauperis.

4 9. Indicate the date the proceedings commenced in district court (e.g., date
5 complaint, indictment, information, or petition was filed):

6 October 7, 2013, with the filing of a Petition for Judicial Review by respondent on appeal,
7 Calvin Murphy.

8 10. Provide a brief description of the nature of the action and result in the
9 district court, including the type of judgment or order being appealed and the relief granted by the
10 district court:

11 The nature of the action is a Petition for Judicial Review filed in the District Court as
12 authorized by NRS 612.530. The District Court reversed the decision of the ESD Board of
13 Review. The action of the District Court resulted in an order directing ESD to pay unemployment
14 insurance benefits to Murphy.

15 11. Indicate whether the case has previously been the subject of an appeal to or
16 original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket
17 number of the prior proceeding:

18 No.

19 12. Indicate whether this appeal involves child custody or visitation:

20 No.

21 ///

22 ///

23 ///

24 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

13. If this is a civil case, indicate whether this appeal involves the possibility of
settlement:
No.

DATED this 13th day of May, 2014.



J. THOMAS SUSICH, ESQ.
Attorney for Nevada ESD Respondents

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

Ron Sung, Esq.
I. Kristine Bergstrom, Esq.
Nevada Legal Services, Inc.
530 S. Sixth Street
Las Vegas, NV 89101

And via e-file Courtesy Copy to:

Dept01LC@clarkcountycourts.us

DATED this 13th day of May, 2014.

SHERI C. HORNSBY

CASE SUMMARY
CASE SUMMARY
CASE NO. A-13-689756-J

Calvin Murphy, Plaintiff(s)
vs.
Employment Security Division, State of Nevada, Defendant
(s)

§
§
§
§
§

Location: Department 1
Judicial Officer: Cory, Kenneth
Filed on: 10/07/2013
Cross-Reference Case Number: A689756

CASE INFORMATION

Statistical Closures
04/28/2014 Summary Judgment

Case Type: Civil Petition for Judicial Review
Subtype: Other Administrative Law
Case Flags: Appealed to Supreme Court
In Forma Pauperis Granted

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-13-689756-J
Court Department 1
Date Assigned 10/07/2013
Judicial Officer Cory, Kenneth

PARTY INFORMATION

Lead Attorneys

Plaintiff **Murphy, Calvin Steven**

Defendant **Employment Security Division, State of Nevada**

Susich, John T.
Retained
775-823-6673(W)







Greystone Park Apartments

Olson, Renee










DATE

EVENTS & ORDERS OF THE COURT

JUDEN

10/07/2013	 Petition for Judicial Review Filed by: Plaintiff Murphy, Calvin Steven	
10/07/2013	 Application to Proceed in Forma Pauperis Filed By: Plaintiff Murphy, Calvin Steven	
10/15/2013	 Order to Proceed In Forma Pauperis Granted for: Plaintiff Murphy, Calvin Steven	
11/05/2013	 Notice of Intent to Participate Filed By: Defendant Employment Security Division, State of Nevada <i>Notice of Intent to Participate and Defend</i>	
11/26/2013	 Administrative Record Party: Defendant Employment Security Division, State of Nevada <i>Administrative Record</i>	
11/26/2013	 Answer Filed By: Defendant Employment Security Division, State of Nevada	
12/23/2013		

CASE SUMMARY
CASE SUMMARY
CASE NO. A-13-689756-J

	 Petitioners Opening Brief Filed by: Plaintiff Murphy, Calvin Steven <i>Petitioner's Opening Brief in Support of Petition for Judicial Review</i>
01/15/2014	 Answering Brief <i>ESD's Answering Brief</i>
01/29/2014	 Request Filed by: Plaintiff Murphy, Calvin Steven <i>Request for Submission</i>
01/29/2014	 Petitioner's Reply Brief Filed by: Plaintiff Murphy, Calvin Steven <i>Petitioners Reply Brief</i>
04/23/2014	 Minute Order (10:00 AM) (Judicial Officer: Cory, Kenneth)
04/28/2014	 Order Granting Filed By: Plaintiff Murphy, Calvin Steven <i>Order ("REVERSED")</i>
04/28/2014	Order Granting Judicial Review (Judicial Officer: Cory, Kenneth) Debtors: Employment Security Division, State of Nevada (Defendant), Renee Olson (Defendant), Greystone Park Apartments (Defendant) Creditors: Calvin Steven Murphy (Plaintiff) Judgment: 04/28/2014, Docketed: 05/05/2014 Comment: "REVERSED"
05/08/2014	 Notice of Entry Filed By: Plaintiff Murphy, Calvin Steven <i>Notice of Entry of Order</i>
05/13/2014	 Case Appeal Statement Filed By: Defendant Employment Security Division, State of Nevada <i>Case Appeal Statement</i>
05/13/2014	 Notice of Appeal Filed By: Defendant Employment Security Division, State of Nevada <i>Notice Of Appeal</i>

CIVIL COVER SHEET

-Clark County, Nevada

Case No.

(Assigned by Clerk's Office)

A-13-689756-J

I

I. Party Information

Plaintiff(s) (name/address/phone):

Calvin Steven Murphy
2606 Lynwood, St. Apt. #6
Las Vegas, Nev. 89109

Attorney (name/address/phone): N/A

909-938-1576

Defendant(s) (name/address/phone):

Employment Security Division, State of Nevada; Renee Olson as
Administrator of the Employment Security Division; Katie
Johnson as Chairperson of the Board of Review: and

A-13-689756-J

CCS

Civil Cover Sheet

3019107

Attorney (name/address/phone): N/A



II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ Arbitration Requested

Civil Cases

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence - Auto <input type="checkbox"/> Negligence - Medical/Dental <input type="checkbox"/> Negligence - Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence - Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
Estimated Estate Value: _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input checked="" type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Foreclosure Mediation <input checked="" type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	
	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment - Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters	

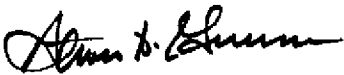
III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

10-7-2013

Date

Calvin Steven Murphy
Signature of initiating party or representative


CLERK OF THE COURT

1 **ORDR**
2 RON SUNG, ESQ.
3 Nevada State Bar No. 13047C
4 I. KRISTINE BERGSTROM, ESQ.
5 Nevada State Bar No. 10841
6 Nevada Legal Services, Inc.
7 530 South Sixth Street
8 Las Vegas, Nevada 89101
9 (702) 386-0404 x148
10 Facsimile (702) 388-1641
11 *Attorneys for Calvin Murphy*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

9 CALVIN MURPHY,

10 Petitioner,

Case No. A-13-689756-J
Dept. 1

11 -vs-

12 EMPLOYMENT SECURITY DIVISION,
13 STATE OF NEVADA, and RENEE L.
14 OLSEN, as Administrator
15 of the EMPLOYMENT SECURITY
16 DIVISION; KATIE JOHNSON, as
17 Chairperson the EMPLOYMENT
SECURITY DIVISION BOARD OF
REVIEW; and
GREYSTONE PARK APARTMENTS
as employer,

18 Respondents.

19 **ORDER**

20 Whereas on April 23, 2014, the Honorable Kenneth Cory considered the
21 arguments of counsel and having examined the papers and pleadings filed on
22 Petitioner's Petition for Judicial Review;

<input type="checkbox"/> Voluntary Dis	<input type="checkbox"/> Slip Dis	<input checked="" type="checkbox"/> Slip Jdgmt	FINAL DISPOSITIONS <input type="checkbox"/> Time Limit Expired <input type="checkbox"/> Dismissed (with or without prejudice) <input type="checkbox"/> Judgment Satisfied/Paid in full
<input type="checkbox"/> Involuntary (stat) Dis	<input type="checkbox"/> Slip Jdgmt	<input type="checkbox"/> Non-Jury Trial	
<input type="checkbox"/> Jdgmt on Arb Award	<input type="checkbox"/> Default Jdgmt	<input type="checkbox"/> Jury Trial	
<input type="checkbox"/> Mtn to Dis (by deft)	<input type="checkbox"/> Transferred		

Whereas the Appeals Referee's decision contains no findings or nexus between the work responsibilities and the off-duty conduct constituting misconduct beyond the employee did not show up for work;

Whereas the failure to show up for work may be sufficient for terminating employment, but without more, failure to show up for work alone is not misconduct as a matter of law and is insufficient for the denial of unemployment benefits;

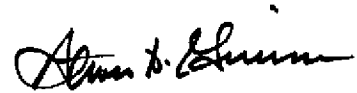
IT IS HEREBY ORDERED that Motion for Judicial Review is GRANTED and the Employment Security Division's decision is REVERSED.

DATED this 24 day of June, 2014.

JUDGE KENNETH CORY

Prepared by:
NEVADA LEGAL SERVICES, INC.

RON SUNG, ESQ.
Nevada State Bar No. 13047C
I. KRISTINE BERGSTROM, ESQ.
Nevada State Bar No. 10841
NEVADA LEGAL SERVICES, INC.
530 South Sixth Street
Las Vegas, Nevada 89101
(702) 386-0404 x148
Facsimile (702) 388-1641
rsung@nslslaw.net



CLERK OF THE COURT

1 **NEO**
2 **RON SUNG, ESQ.**
3 **Nevada State Bar No. 13047C**
4 **I. KRISTINE BERGSTROM, ESQ.**
5 **Nevada State Bar No. 10841**
6 **Nevada Legal Services, Inc.**
7 **530 South Sixth Street**
8 **Las Vegas, Nevada 89101**
9 **(702) 386-0404 x148**
10 **Facsimile (702) 388-1641**
11 ***Attorneys for Calvin Murphy***

7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

9 **CALVIN MURPHY,**

10 **Petitioner,**

Case No. A-13-689756-J
Dept. 1

11 **-vs-**

12 **EMPLOYMENT SECURITY DIVISION,**
13 **STATE OF NEVADA, and RENEE L.**
14 **OLSEN, as Administrator**
15 **of the EMPLOYMENT SECURITY**
16 **DIVISION; KATIE JOHNSON, as**
17 **Chairperson the EMPLOYMENT**
18 **SECURITY DIVISION BOARD OF**
19 **REVIEW; and**
20 **GREYSTONE PARK APARTMENTS**
as employer,

Respondents.

18 _____ /
19 **NOTICE OF ENTRY OF ORDER**
20

1 TO: EMPLOYMENT SECURITY DIVISION, Respondent, by and through
2 J. Thomas Susich, Esq.

3 TO: GREYSTONE PARK APARTMENTS, Respondent.

4 **YOU WILL PLEASE TAKE NOTICE** that on the 28th day of April,
5 2014, an Order was entered in the above-entitled action, a copy of which is
6 attached hereto.

7 DATED this 8th day of May, 2014.

8
9 Respectfully Submitted,
Nevada Legal Services, Inc.

10 By: 

11 Nevada State Bar No. 13047C
I. KRISTINE BERGSTROM, ESQ.
12 Nevada State Bar No. 10841
Nevada Legal Services, Inc.
13 530 South Sixth Street
Las Vegas, Nevada 89101
14 (702) 386-0404 x148
Facsimile (702) 388-1641
15 Attorneys for Calvin Murphy
RON SUNG, ESQ.

CERTIFICATE OF MAILING

I hereby certify that on this 8th day of May, 2014, I served the foregoing NOTICE OF ENTRY OF ORDER and attached ORDER upon the following person(s), by depositing a copy of same in a sealed envelope in the United States Mail, postage pre-paid, to the following:

J. Thomas Susich, Esq.
1325 Corporate Boulevard, Suite C
Reno, NV 89502
Attorney for Employment Security Division

Greystone Park Apartments
5050 S Duneville Street.
Las Vegas, NV 89118
Employer

An Employee of Nevada Legal Services


CLERK OF THE COURT

1 **ORDR**
2 RON SUNG, ESQ.
3 Nevada State Bar No. 13047C
4 I. KRISTINE BERGSTROM, ESQ.
5 Nevada State Bar No. 10841
6 Nevada Legal Services, Inc.
7 530 South Sixth Street
8 Las Vegas, Nevada 89101
9 (702) 386-0404 x148
10 Facsimile (702) 388-1641
11 Attorneys for Calvin Murphy

**DISTRICT COURT
CLARK COUNTY, NEVADA**

9 CALVIN MURPHY,

10 Petitioner,

Case No. A-13-689756-J
Dept. 1

11 -vs-

12 EMPLOYMENT SECURITY DIVISION,
13 STATE OF NEVADA, and RENEE L.
14 OLSEN, as Administrator
15 of the EMPLOYMENT SECURITY
16 DIVISION; KATIE JOHNSON, as
17 Chairperson the EMPLOYMENT
18 SECURITY DIVISION BOARD OF
19 REVIEW; and
20 GREYSTONE PARK APARTMENTS
21 as employer,

22 Respondents.

ORDER

20 Whereas on April 23, 2014, the Honorable Kenneth Cory considered the
21 arguments of counsel and having examined the papers and pleadings filed on
22 Petitioner's Petition for Judicial Review;

<input type="checkbox"/> Voluntary Dis	<input type="checkbox"/> Slip Dis	<input checked="" type="checkbox"/> Sent Jdgmt	FINAL DISPOSITIONS <input type="checkbox"/> Time Limit Expired <input type="checkbox"/> Dismissed (with or without prejudice) <input type="checkbox"/> Judgment Satisfied/Paid in Full
<input type="checkbox"/> Involuntary (stat) Dis	<input type="checkbox"/> Slip Jdgmt	<input type="checkbox"/> Non-Jury Trial	
<input type="checkbox"/> Jdgmt on Arb Award	<input type="checkbox"/> Default Jdgmt	<input type="checkbox"/> Jury Trial	
<input type="checkbox"/> Lett to Dis (by deli)	<input type="checkbox"/> Transferred		

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Civil Petition for Judicial
Review**

COURT MINUTES

April 23, 2014

A-13-689756-J

Calvin Murphy, Plaintiff(s)

vs.

Employment Security Division, State of Nevada, Defendant(s)

April 23, 2014

10:00 AM

Minute Order

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

JOURNAL ENTRIES

- COURT ORDERED, Motion for judicial review GRANTED and the Employment Security Division's decision is REVERSED. The appeals referee s decision contains no findings or nexus between the work responsibilities and the off-duty conduct constituting misconduct beyond the employee did not show up for work. Although failure to show up for work may be sufficient for terminating employment, without more, failure to show up for work alone is not misconduct as a matter of law and is insufficient for the denial of unemployment benefits. Mr. Sung to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Thomas Susich, Esq. via e-mail and mailed to Calvin Murphy. /mlt

CLERK'S NOTE: Minute Order corrected to indicate Mr. Sung to prepare the Order. /mlt

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT
COURT MINUTES

CALVIN STEVEN MURPHY,

Plaintiff(s),

vs.

EMPLOYMENT SECURITY DIVISION,
STATE OF NEVADA; RENEE OLSON, in her
capacity as Administrator of the
EMPLOYMENT SECURITY DIVISION;
KATIE JOHNSON, in her capacity as
Chairperson of the EMPLOYMENT SECURITY
DIVISION BOARD OF REVIEW;
GREYSTONE PARK APARTMENTS,

Defendant(s),

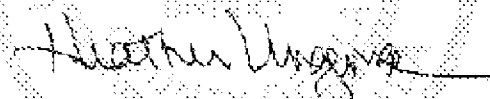
Case No: A689756

Dept No: 1

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 14 day of May 2014.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk