

CLERK OF THE COURT

Electronically Filed  
Jan 13 2017 03:08 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

1 **NOAS**  
2 **NEVADA LEGAL SERVICES, INC.**  
3 Dawn R. Miller, Esq.  
4 Nevada Bar No. 10933  
5 530 South Sixth Street  
6 Las Vegas, NV 89101  
7 (702) 386-0404 Ext. 111  
8 (702) 388-1614 facsimile  
9 dmiller@nlslaw.net  
10 Attorney for Petitioner:  
11 **EUGENIO DOLORES**

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

10 EUGENIO DOLORES,  
11  
12 Petitioner,  
13  
14 -vs-

Case No.A-16-732941  
Dept. XXI

15 EMPLOYMENT SECURITY DIVISION, STATE )  
16 OF NEVADA, RENEE OLSON, in her capacity )  
17 as Administrator of the EMPLOYMENT )  
18 SECURITY DIVISION, KATIE JOHNSON, )  
19 in her capacity as Chairperson of the )  
20 EMPLOYMENT SECURITY DIVISION, and )  
21 SOUTHWEST AIRLINES CO. )  
22 as the Employer )

**NOTICE OF APPEAL**

23 Respondents.  
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21 Notice is hereby given that EUGENIO DOLORES, petitioner above, appeals to the  
22 Supreme Court of Nevada from the final order dismissing the petition for judicial review filed by  
23 Petitioner, entered in this action on the 16<sup>th</sup> of December, 2016.

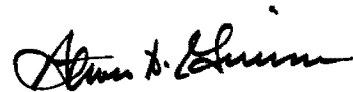
24 Dated: January 2, 2017

25 /s/ Dawn R. Miller, Esq.

26 Dawn R. Miller, Esq.  
27 Nevada Bar No. 10933  
28 NEVADA LEGAL SERVICES, INC.

530 South Sixth Street  
Las Vegas, Nevada 89101  
(702) 386-0404 Ext. 111  
Attorney for Petitioner

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CLERK OF THE COURT

**SOLA**  
**NEVADA LEGAL SERVICES, INC.**

Dawn R. Miller, Esq.  
Nevada Bar No. 10933  
530 South Sixth Street  
Las Vegas, NV 89101  
(702) 386-0404 ext. 111  
(702) 388-1614 facsimile  
dmiller@nslaw.net  
Attorney for Petitioner:  
EUGENIO DOLORES

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

EUGENIO DOLORES,	)	A-16-732941-J
	)	
Petitioner,	)	Case No. XXI
	)	Dept.
-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, and	)	
SOUTHWEST AIRLINES CO.	)	
as the Employer	)	
	)	
Respondents.	)	

Party Filing Statement:      ☒ Petitioner    ☐ Respondent

**STATEMENT OF LEGAL AID REPRESENTATION**

EUGENIO DOLORES has qualified and been accepted for placement as a client of  
NEVADA LEGAL SERVICES, INC., a nonprofit organization providing free legal assistance to  
indigents, and is entitled to pursue or defend this action without costs, including filing fees and

////

1 fees for service of writ, process, pleading or paper without charge, as set forth in NRS 12.015.

2

3 Dated: March 4, 2016.

4

5

Respectfully submitted,  
NEVADA LEGAL SERVICES, INC.

6

7

By: /s/ Dawn R. Miller

8

Dawn R. Miller, Esq.

9

Nevada State Bar No. 10933

10

530 S. Sixth Street

11

Las Vegas, Nevada 89101

12

(702) 386-0404 ext. 111

13

Attorney for Petitioner:

14

EUGENIO DOLORES

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CLERK OF THE COURT

1 **ASTA**  
2 **NEVADA LEGAL SERVICES, INC.**  
3 Dawn R. Miller, Esq.  
4 Nevada Bar No. 10933  
5 530 South Sixth Street  
6 Las Vegas, NV 89101  
7 (702) 386-0404 Ext. 111  
8 (702) 388-1614 facsimile  
9 dmiller@nlslaw.net  
10 Attorney for Petitioner:  
11 **EUGENIO DOLORES**

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

10 EUGENIO DOLORES,  
11  
12 Petitioner,  
13  
14 -vs-

Case No.A-16-732941  
Dept. XXI

15 EMPLOYMENT SECURITY DIVISION, STATE )  
16 OF NEVADA, RENEE OLSON, in her capacity )  
17 as Administrator of the EMPLOYMENT )  
18 SECURITY DIVISION, KATIE JOHNSON, )  
19 in her capacity as Chairperson of the )  
20 EMPLOYMENT SECURITY DIVISION, and )  
21 SOUTHWEST AIRLINES CO. )  
22 as the Employer )

**CASE APPEAL STATEMENT**

23 Respondents.  
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1. Name of appellant filing this case appeal statement: Eugenio Dolores
2. Identify the judge issuing the decision, judgment, or order appealed from: The Honorable Valerie Adair, Department 21, Eighth Judicial District Court.
3. Identify each appellant and the name and address of counsel for each appellant: Eugenio Dolores-Appellant; Counsel for Eugenio Dolores, Dawn Miller, 530 S. 6<sup>th</sup> Street, Las Vegas, Nevada 89101.
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent:  
Employment Security Division: Renee Olson, and Katie Johnson  
Counsel for Employment Security Division, Laurie L. Trotter, Esq.  
1340 S. Curry St., Carson City, Nevada 89703

1 Southwest Airlines Co.  
2 1845 Borman Court  
3 St. Louis, MO 63146

4 5. Indicate whether any attorney identified above in response to question 3 or 4 is not  
5 licensed to practice law in Nevada and, if so, whether the district court granted that attorney  
6 permission to appear under SCR 42 (attach a copy of any district court order granting such  
7 permission): None

8 6. Indicate whether appellant was represented by appointed or retained counsel in the  
9 district court: Retained

10 7. Indicate whether appellant is represented by appointed or retained counsel on appeal:  
11 Retained

12 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date  
13 of entry of the district court order granting such leave: Yes, entry of Statement of Legal Aid  
14 Representation on March 13, 2016.

15 9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,  
16 indictment, information, or petition was filed): March 4, 2016.

17 10. Provide a brief description of the nature of the action and result in the district court,  
18 including the type of judgment or order being appealed and the relief granted by the district  
19 court: Petition for Judicial Review of a denial of unemployment benefits, filed under NRS  
20 Chapters 612 and 233B. On order of the Court, Petition was denied.

21 11. Indicate whether the case has previously been the subject of an appeal to or original writ  
22 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the  
23 prior proceeding: No.

24 12. Indicate whether this appeal involves child custody or visitation: No.

25 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:  
26 Yes.

27 Dated this 2<sup>nd</sup> day of January, 2017

28 /s/ Dawn R. Miller, Esq.  
Dawn R. Miller, Esq.  
Nevada Bar No. 10933  
NEVADA LEGAL SERVICES, INC.  
530 South Sixth Street  
Las Vegas, Nevada 89101  
(702) 386-0404 ext 111

  
CLERK OF THE COURT

**CERT  
NEVADA LEGAL SERVICES, INC.**

Dawn R. Miller, Esq.  
Nevada Bar No. 10933  
530 South Sixth Street  
Las Vegas, NV 89101  
(702) 386-0404 Ext. 111  
(702) 388-1614 facsimile  
dmiller@nlslaw.net  
Attorney for Petitioner:  
EUGENIO DOLORES

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

EUGENIO DOLORES,

Petitioner,

-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, and  
SOUTHWEST AIRLINES CO.  
as the Employer

Respondents.

Case No.A-16-732941  
Dept. XXI

**CERTIFICATE OF MAILING**

**CERTIFICATE OF MAILING**

I hereby certify that on the 4<sup>th</sup> day of January, 2017, I mailed a true and correct copy of  
the above and foregoing NOTICE OF APPEAL and CASE APPEAL STATEMENT to the  
Respondents first-class postage fully prepaid thereon, by placing the same in the United States  
Mail at Las Vegas, Nevada, addressed as follows:

////

////

////

1 LAURIE L. TROTTER, ESQ.  
2 1340 S. Curry St.  
3 Carson City, NV 89703  
4 Attorney for Respondent

5 Southwest Airlines Co.  
6 1845 Borman Court  
7 St. Louis, MO 63146

8 DATED this 4<sup>th</sup> day of January, 2017.

9  
10 //s/ Dawn R. Miller, Esq.  
11 An Employee of Nevada Legal Services  
12  
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DEPARTMENT 21  
**CASE SUMMARY**  
**CASE NO. A-16-732941-J**

**Eugenio Dolores, Petitioner(s)**  
**vs.**  
**Employment Security Division, Respondent(s)**

§  
§  
§  
§  
§

Location: **Department 21**  
Judicial Officer: **Adair, Valerie**  
Filed on: **03/04/2016**  
Cross-Reference Case Number: **A732941**

**CASE INFORMATION**

Case Type: **Other Judicial Review/Appeal**

Case Flags: **Appealed to Supreme Court**  
**Case Note**

*Statement of Legal Aid*  
*Representation for Eugenio*  
*Dolores*  
**In Forma Pauperis Granted**

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number A-16-732941-J  
Court Department 21  
Date Assigned 03/04/2016  
Judicial Officer Adair, Valerie





**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Petitioner</b>	<b>Dolores, Eugenio</b>	<b>Miller, Dawn R.</b> <i>Retained</i> 702-386-0404(W)
<b>Respondent</b>	<b>Employment Security Division</b>	<b>Trotter, Laurie L.</b> <i>Retained</i> 7756841531(W)
	<b>Johnson, Katie</b>	
	<b>Olson, Renee</b>	
	<b>Southwest Airlines Co</b>	

**DATE**

**EVENTS & ORDERS OF THE COURT**





**INDEX**

03/04/2016	 Petition for Judicial Review Filed by: Petitioner Dolores, Eugenio <i>Petition for Judicial Review</i>	
03/13/2016	 Statement of Legal Aid Representation and Fee Waiver For: Petitioner Dolores, Eugenio <i>Statement of Legal Aid Representation</i>	
03/25/2016	 Summons Issued Party: Petitioner Dolores, Eugenio <i>Summons</i>	
03/25/2016	 Summons Issued Party: Petitioner Dolores, Eugenio <i>Summons</i>	

DEPARTMENT 21  
**CASE SUMMARY**  
**CASE NO. A-16-732941-J**

03/25/2016	 Summons Issued Party: Petitioner Dolores, Eugenio <i>Summons</i>
03/25/2016	 Summons Issued Party: Petitioner Dolores, Eugenio <i>Summons</i>
03/29/2016	 Affidavit of Service Filed By: Petitioner Dolores, Eugenio <i>Affidavit of Service</i>
04/05/2016	 Notice of Intent to Participate Filed By: Respondent Employment Security Division <i>Notice of Intent to Participate and Defend</i>
04/19/2016	 Record on Appeal Party: Respondent Employment Security Division <i>Record On Appeal</i>
04/19/2016	 Answer Filed By: Respondent Employment Security Division <i>Answer to Petition for Judicial Review</i>
06/02/2016	 Stipulation and Order Filed by: Petitioner Dolores, Eugenio <i>Stipulation and Order</i>
06/30/2016	 Brief Filed By: Petitioner Dolores, Eugenio <i>Petitioner's Opening Brief in Support of Petition for Judicial Review</i>
07/11/2016	 <b>Petition for Judicial Review</b> (3:00 AM) (Judicial Officer: Adair, Valerie) <b>07/11/2016, 08/15/2016, 09/19/2016</b>
08/23/2016	 Answering Brief <i>ESD's Answering Brief</i>
08/24/2016	 Stipulation and Order Filed by: Respondent Employment Security Division <i>Stipulation and Order for Extension of Time to File ESD's Answering Brief</i>
09/26/2016	 Reply in Support Filed By: Petitioner Dolores, Eugenio <i>Petitioner's Reply Brief in Support of Petition for Judicial Review</i>
09/29/2016	 Request Filed by: Petitioner Dolores, Eugenio <i>Request for Submission</i>
12/15/2016	 Order Denying Judicial Review of Administrative Decision Filed by: Respondent Employment Security Division

DEPARTMENT 21  
**CASE SUMMARY**  
**CASE NO. A-16-732941-J**

	<i>Order Denying Petition for Judicial Review</i>	
12/15/2016	<b>Order Denying Judicial Review</b> (Judicial Officer: Adair, Valerie) Debtors: Eugenio Dolores (Petitioner) Creditors: Employment Security Division (Respondent), Renee Olson (Respondent), Katie Johnson (Respondent) Judgment: 12/15/2016, Docketed: 12/22/2016	
12/16/2016	 Notice of Entry of Order Filed By: Respondent Employment Security Division <i>Notice of Entry of Order Denying Petition for Judicial Review</i>	
01/03/2017	 Notice of Appeal Filed By: Petitioner Dolores, Eugenio <i>Notice of Appeal</i>	
01/03/2017	 Case Appeal Statement Filed By: Petitioner Dolores, Eugenio <i>Case Appeal Statement</i>	
01/04/2017	 Certificate of Mailing Filed By: Petitioner Dolores, Eugenio <i>Certificate of Mailing</i>	

DATE	FINANCIAL INFORMATION	
	<b>Petitioner</b> Dolores, Eugenio	
	Total Charges	24.00
	Total Payments and Credits	0.00
	<b>Balance Due as of 1/5/2017</b>	<b>24.00</b>

## CIVIL COVER SHEET

A-16-732941-J

Clark County, Nevada

XXI

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

**I. Party Information**

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

8555 W. Russell Rd. #1096, Las Vegas, NV 89113

Attorney (name/address/phone): Dawn R. Miller

Nevada Legal Services, 530 S. 6<sup>th</sup> St., Las Vegas, NV 89101

Defendant(s) (name/address/phone): Employment Security Division

500 E. Third St., Carson City, NV 89713

Attorney (name/address/phone): Joseph L. Ward, Esq.

1340 S. Curry St., Carson City, NV 89703

**II. Nature of Controversy** (Please check applicable bold category and applicable subcategory, if appropriate)☐ **Arbitration Requested****Civil Cases**

Real Property	Torts	
<input type="checkbox"/> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> <b>Title to Property</b> <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> <b>Condemnation/Eminent Domain</b> <input type="checkbox"/> <b>Other Real Property</b> <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> <b>Negligence</b> <input type="checkbox"/> <b>Negligence – Auto</b> <input type="checkbox"/> <b>Negligence – Medical/Dental</b> <input type="checkbox"/> <b>Negligence – Premises Liability</b> (Slip/Fall) <input type="checkbox"/> <b>Negligence – Other</b>	<input type="checkbox"/> <b>Product Liability</b> <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> <b>Intentional Misconduct</b> <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> <b>Employment Torts</b> (Wrongful termination) <input type="checkbox"/> <b>Other Torts</b> <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
<input type="checkbox"/> <b>Probate</b>  <b>Estimated Estate Value: _____</b> <input type="checkbox"/> <b>Summary Administration</b> <input type="checkbox"/> <b>General Administration</b> <input type="checkbox"/> <b>Special Administration</b> <input type="checkbox"/> <b>Set Aside Estates</b> <input type="checkbox"/> <b>Trust/Conservatorships</b> <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> <b>Other Probate</b>	<input type="checkbox"/> <b>Other Civil Filing Types</b> <input type="checkbox"/> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> <b>Breach of Contract</b> <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 type="checkbox"/> <b>Civil Petition for Judicial Review</b> <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"/> <b>Appeal from Lower Court</b> (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> <b>Civil Writ</b> <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> <b>Other Civil Filing</b> <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.)

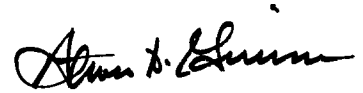
- |   |  |   |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88   | <input type="checkbox"/> Investments (NRS 104 Art. 8)        | <input type="checkbox"/> Enhanced Case Mgmt/Business  |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS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

03/04/2016

Date

/s/ Dawn R. Miller

Signature of initiating party or representative



CLERK OF THE COURT

1 **ORDD**

2 LAURIE L. TROTTER, ESQ.

3 Nevada State Bar No. 8696

4 STATE OF NEVADA, Department of

5 Employment, Training & Rehabilitation (DETR),

6 Employment Security Division (ESD)

7 1340 South Curry Street

8 Carson City, NV 89703

9 Telephone No.: (775) 684-6317

10 Facsimile No.: (775) 684-6344

11 *Attorney for DETR/ESD*

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 EUGENIO DOLORES,

15 Petitioner,

16 vs.

CASE NO.: A732941

DEPT. NO.: XXI

17 EMPLOYMENT SECURITY DIVISION,  
18 STATE OF NEVADA; RENEE OLSON,

19 in her capacity as Administrator of the  
20 EMPLOYMENT SECURITY DIVISION;

21 KATIE JOHNSON, in her capacity as  
22 Chairperson of the EMPLOYMENT  
23 SECURITY DIVISION [BOARD OF  
24 REVIEW]; and SOUTHWEST AIRLINES  
CO., as the Employer,

Respondents.

**ORDER DENYING PETITION FOR JUDICIAL REVIEW**

**THIS MATTER** came before the Court for decision In Chambers on September 19, 2016. The parties were not present. The Court has reviewed the Record on Appeal, Petitioner's Opening Brief, Respondent Administrator, State of Nevada Department of Employment, Training and Rehabilitation, Employment Security Division's Answering Brief, and Petitioner's Reply Brief, and all of the other documents contained in the file, and being fully informed, HEREBY FINDS:

1 This Court is confined to the record on appeal before the Board of Review;

2 This Court may not substitute its opinion regarding the matters of weight or  
3 credibility of evidence regarding issues of fact for that of the Administrative Tribunal (referee)  
4 and Board of Review. *State Employment Sec. Dept. v. Weber*, 100 Nev. 121, 124, 676 P.2d  
5 1318, 1320 (1984);

6 The record on appeal contained substantial evidence to support the referee and the  
7 Board of Review's February 12, 2016 decision;

8 The decision of the agency is consistent with Nevada's statutory and case law;

9 The Petitioner was afforded a full and fair hearing and not denied due process of  
10 law.

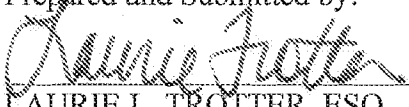
11 The Board of Review's decision was neither arbitrary or capricious, nor clearly  
12 erroneous in view of the reliable, probative and substantial evidence in the whole record, and  
13 thus the court will not reverse that decision;

14 Based upon the above findings and GOOD CAUSE APPEARING THEREFOR,

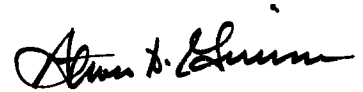
15 **IT IS HEREBY ORDERED** that the decision of the Board of Review is  
16 **AFFIRMED** and the Petition for Judicial Review is **DENIED**.

17 **DATED** this 6<sup>th</sup> day of December, 2016.

18  
19   
20 **HONORABLE VALERIE ADAIR**  
**DISTRICT JUDGE**

21 Prepared and Submitted by:  
22   
23 **LAURIE L. TROTTER, ESQ.**  
*Attorney for Nevada ESD Respondents*

24



CLERK OF THE COURT

1 **NEOJ**  
2 LAURIE L. TROTTER, ESQ.  
3 Nevada State Bar No. 8696  
4 STATE OF NEVADA, Department  
5 of Employment, Training & Rehabilitation (DETR)  
6 Employment Security Division (ESD)  
7 1340 South Curry Street  
8 Carson City, NV 89703  
9 Telephone: (775) 684-6317  
10 Facsimile: (775) 684-6344  
11 *Attorney for DETR/ESD*

7 **DISTRICT COURT**

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14 in her capacity as Administrator of the  
15 EMPLOYMENT SECURITY DIVISION;  
16 KATIE JOHNSON, in her capacity as  
17 Chairperson of the EMPLOYMENT  
18 SECURITY DIVISION [BOARD OF  
19 REVIEW]; and SOUTHWEST AIRLINES  
20 CO., as the Employer,

21 Respondents.

22 **NOTICE OF ENTRY OF ORDER DENYING PETITION FOR JUDICIAL REVIEW**

23 **PLEASE TAKE NOTICE** that on the 15<sup>th</sup> day of December, 2016, the Court  
24 entered its Order Denying Petition for Judicial Review in the above-entitled action. A copy of  
said Order is attached hereto.

**DATED** this 16<sup>th</sup> day of December, 2016.

23   
24 LAURIE L. TROTTER, ESQ.

*Attorney for Nevada ESD Respondents*


1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of the State of Nevada,  
3 over the age of 18 years; and that on the date hereinbelow set forth, I served a true and correct  
4 copy of the foregoing NOTICE OF ENTRY OF ORDER DENYING PETITION FOR  
5 JUDICIAL REVIEW, *by either* electronic means (N.E.F.C.R. Administrative Order 14-2), as  
6 indicated by an email address set forth below, *and/or* by placing the same within an envelope  
7 which was thereafter sealed and deposited for postage and mailing with the State of Nevada Mail  
8 at Carson City, Nevada, addressed for delivery as follows:

9 Dawn R. Miller, Esq.  
10 *Nevada Legal Services, Inc.*  
11 530 South Sixth Street  
12 Las Vegas, NV 89101  
13 dmiller@nlslaw.net

14 Southwest Airlines Co.  
15 1845 Borman Court  
16 St. Louis, MO 63146

17 DATED this 16<sup>th</sup> day of December, 2016.

18   
19 \_\_\_\_\_  
20 SHERI C. IHLER  
21  
22  
23  
24





CLERK OF THE COURT

1 **ORDD**

LAURIE L. TROTTER, ESQ.

2 Nevada State Bar No. 8696

STATE OF NEVADA, Department of

3 Employment, Training & Rehabilitation (DETR),

Employment Security Division (ESD)

4 1340 South Curry Street

Carson City, NV 89703

5 Telephone No.: (775) 684-6317

Facsimile No.: (775) 684-6344

6 *Attorney for DETR/ESD*

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14 KATIE JOHNSON, in her capacity as  
Chairperson of the EMPLOYMENT  
15 SECURITY DIVISION [BOARD OF  
REVIEW]; and SOUTHWEST AIRLINES  
16 CO., as the Employer,

17 Respondents.

18 **ORDER DENYING PETITION FOR JUDICIAL REVIEW**

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20 19, 2016. The parties were not present. The Court has reviewed the Record on Appeal,  
21 Petitioner's Opening Brief, Respondent Administrator, State of Nevada Department of  
22 Employment, Training and Rehabilitation, Employment Security Division's Answering Brief,  
23 and Petitioner's Reply Brief, and all of the other documents contained in the file, and being fully  
24 informed, **HEREBY FINDS:**

1 This Court is confined to the record on appeal before the Board of Review;

2 This Court may not substitute its opinion regarding the matters of weight or  
3 credibility of evidence regarding issues of fact for that of the Administrative Tribunal (referee)  
4 and Board of Review. *State Employment Sec. Dept. v. Weber*, 100 Nev. 121, 124, 676 P.2d  
5 1318, 1320 (1984);

6 The record on appeal contained substantial evidence to support the referee and the  
7 Board of Review's February 12, 2016 decision;

8 The decision of the agency is consistent with Nevada's statutory and case law;

9 The Petitioner was afforded a full and fair hearing and not denied due process of  
10 law.

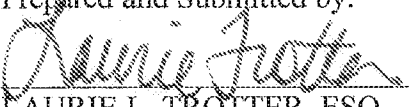
11 The Board of Review's decision was neither arbitrary or capricious, nor clearly  
12 erroneous in view of the reliable, probative and substantial evidence in the whole record, and  
13 thus the court will not reverse that decision;

14 Based upon the above findings and GOOD CAUSE APPEARING THEREFOR,

15 **IT IS HEREBY ORDERED** that the decision of the Board of Review is  
16 **AFFIRMED** and the Petition for Judicial Review is **DENIED**.

17 **DATED** this 6<sup>th</sup> day of December, 2016.

18  
19   
20 **HONORABLE VALERIE ADAIR**  
**DISTRICT JUDGE**

21 Prepared and Submitted by:  
22   
23 **LAURIE L. TROTTER, ESQ.**  
*Attorney for Nevada ESD Respondents*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Judicial Review/Appeal**

**COURT MINUTES**

**July 11, 2016**

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A-16-732941-J      Eugenio Dolores, Petitioner(s)  
vs.  
Employment Security Division, Respondent(s)

---

**July 11, 2016      3:00 AM      Petition for Judicial Review**

**HEARD BY:** Adair, Valerie      **COURTROOM:** RJC Courtroom 11C

**COURT CLERK:** Nora Pena

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED.

CONTINUED TO: 8/15/16 PETITION FOR JUDICIAL REVIEW chamber calendar

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Dawn Miller, Esq. (NV Legal Services) and Laurie Trotter, Esq. (STATE OF NEVADA, Department of Employment, Training & Rehabilitation (DETR), Employment Security Division (ESD))./np

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Judicial Review/Appeal**

**COURT MINUTES**

**August 15, 2016**

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A-16-732941-J      Eugenio Dolores, Petitioner(s)  
vs.  
Employment Security Division, Respondent(s)

---

**August 15, 2016      3:00 AM      Petition for Judicial Review**

**HEARD BY:** Adair, Valerie      **COURTROOM:** Chambers

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED MATTER CONTINUED for Employment Security Division to file response.

CONTINUED TO: 9/19/16 CHAMBERS CALENDAR

CLERK S NOTE: Counsel is to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the listed Service Recipients in the Wiznet E-Service system. jmc 8/17/16

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Judicial Review/Appeal**

**COURT MINUTES**

**September 19, 2016**

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A-16-732941-J      Eugenio Dolores, Petitioner(s)  
vs.  
Employment Security Division, Respondent(s)

---

**September 19, 2016      3:00 AM      Petition for Judicial Review**

**HEARD BY:** Adair, Valerie      **COURTROOM:** Chambers

**COURT CLERK:** Jill Chambers

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Petition for Judicial Review is denied; ESD to prepare the order.

CLERK'S NOTE: Counsel is to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the listed Service Recipients in the Wiznet E-Service system. jmc

# 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; CERTIFICATE OF MAILING; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PETITION FOR JUDICIAL REVIEW; NOTICE OF ENTRY OF ORDER DENYING PETITION FOR JUDICIAL REVIEW; DISTRICT COURT MINUTES

EUGENIO DOLORES,

Petitioner(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; SOUTHWEST AIRLINES CO., as  
the Employer,

Respondent(s),

Case No: A-16-732941-J

Dept No: XXI

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 5 day of January 2017.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk