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2 **IN THE SUPREME COURT OF NEVADA**

3 NATASHA EARLY  
4 4650 WEST OAKLEY BLVD. #2035  
5 LAS VEGAS, NV. 89102

Case No.: 82721 -COA

6 Appellant,

7  
8 vs.

9 EMPLOYMENT SECURITY  
10 DIVISION, STATE OF  
11 NEVADA, AND LYNDIA PARVEN, AS  
12 ADMINISTRATOR OF THE  
13 EMPLOYMENT SECURITY  
14 DIVISION,

Respondent

FILED

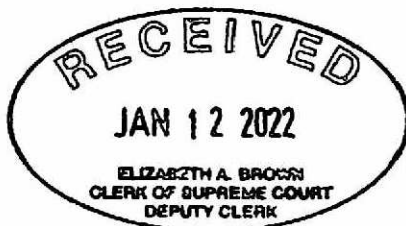
JAN 12 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
DEPUTY CLERK

15 **APPELLANT'S REPLY TO RESPONDENTS ANSWERING**

16 **BRIEF**

17 Appellant, Natasha Early ("Early") pursuant to this Courts Order dated  
18 November 9, 2021 files this Reply in order to show that Respondent is both  
19 materially misleading the court in several key aspects of this case and that  
20 extraordinary relief of Mandamus is necessary and warranted, in particular  
21 circumstances where state actors such as the Respondents are depriving Early of  
22 liberty and property, without due process of law and denying her the equal  
23 protection of the laws.  
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22 - 01279

1                   **EARLY IS ENTITLED TO THE 2019 UNEMPLOYMENT**  
2                   **COMPENSATION CLAIM**  
3

4           Respondent is bent on a circular boneheaded argument that Early did not  
5 appeal her 2019 claim or that any appeal was pursued, which is contradicted by the  
6 case record R 89-107 where Early submitted affidavits, the actual appeals with fax  
7 cover sheets, in support of at least 3 appeals she did fax to Respondents  
8 Employment Security Division (ESD). In those appeals she raised the issue of the  
9 2019 claim not being backdated correctly and that it should be activated along with  
10 the contesting the issues of overpayment within the context of the associated denial  
11 letters, that such associated letters issued by ESD did not concern the 2019 claim  
12 and made no determination that is appealable for the 2019 claim. Period. Not once  
13 has ESD ever acknowledge the receipt of the sent appeals and has consistently  
14 claimed to the lower court that Early did not appeal anything and that she must first  
15 appeal, that she is somehow misguided or confused as to what the process is or that  
16 she simply has chosen to neglect the process of judicial review and sought remedy  
17 in the extraordinary writ of mandamus; instead of being patient and following the  
18 rules and procedures that are in place to receive, process and hear her appeals. This  
19 is the pure garbage that Respondent advances, to the contrary, the Record in the  
20 lower court and all the evidence Early presented, that was simply neglected and  
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1 overlooked by the lower court because an attorney that represents ESD said she did  
2 not appeal and exhaust her remedies, without producing one shred of evidence  
3 from ESD. No higher bias or abuse of discretion can trump a lower court  
4 neglecting evidence presented and not granting a hearing to shore up how appellant  
5 did file appeals that were never processed or acknowledge by ESD. Respondent  
6 presented no evidence in the district court in terms of affidavits from ESD  
7 caseworkers and has only winged it from the hip as Respondents representations  
8 are not based on any evidence presented in the lower court. Respondent has made  
9 the insidious accusation the Early was denied the 2019 claim because of issues  
10 related to giving birth to a child and making a fraudulent claim in 2016 which is  
11 false because ESD issued her original eligibility letter R 67 deeming her eligible  
12 for benefits. No issue of fraud ever existed to make her ineligible for any benefits.  
13 Early did receive several weeks of unemployment compensation during the 2019  
14 claim period and the claim was still open until April 25, 2020 when it expired.

20  
21 **RESPONDENT FAILED TO ADDRESS THE NEVADA**  
22 **GOVERNOR'S EXECUTIVE ORDER TO BACKDATE ALL**  
23 **UNEMPLOYMENT CLAIMS TO MARCH 15, 2020**  
24

25 The Court should take Judicial Notice that Nevada Governor Sisolak ordered  
26 the Department of Training, Employment and Rehabilitation (DETR) to backdate  
27



1 all claims, whenever they are filed to March 15, 2020, a Fox News Article dated  
2 April 14, 2020 cited on the DETR website (ESD) shows that the computer system  
3  
4 needed a complete overhaul because it was never set up to handle 74, 000 plus  
5 applicants in any single week and that the issuance of the backdate order was  
6  
7 necessary to curb public fears that claims would not be treated or paid fairly.

8 Respondent's statements that no website functionality problem existed is belied by  
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10 history and public record. They are simply just lying to the Supreme Court of  
11 Nevada, the whole State of Nevada knows better, this is a clear example of the  
12 insidious nature of ESD and how Deputy Attorney Generals of Nevada are no  
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14 more credit worthy than the worse scam lawyer representing a corrupt and harmful  
15 corporation that has detrimentally harmed society. This is what these Deputy  
16 Attorney Generals for Respondent are doing, a monstrous deprivation of any good  
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18 faith effort to obey the laws, the governor, the public interests, and even to  
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20 recognize the historical fact that the Covid 19 worldwide pandemic shut the state  
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22 and nation down, that the website for ESD (DETR) was nonfunctional and could  
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24 not process claims outside its limited meager ability until major upgrades were  
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26 initiated and that took a year to get on line. The Governor ordered DETR to  
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28 backdate all claims to March 15, 2020 whenever such claims were filed. Instead  
Respondent issued a false letter denying Early her requests to both reopen the 2019

1 claim and to backdate the claim to March 15, 2020 on some made up story that she  
2 just did not want to apply on time R-39. Hence Early has no other recourse but to  
3 seek Mandamus relief from the state judiciary.  
4

5 **RESPONDENT'S ACTIONS ARE ARBITRARY AND CAPRICIOUS**  
6  
7 **WARRANTING THE ISSUANCE OF THE WRIT OF MANDAMUMS**

8 Respondent never processed any of Early appeals, in fact they actually  
9 created a sabotage fictitious letter falsely claiming Early canceled her claim (two  
10 days before the hearing of the matter in the district court) and then based on that  
11 told the court she was not entitled to any benefits R-107, (See Transcript R-137  
12 line 19 to 138 line 5.) Here we see that Respondent canceled Early's claim two  
13 days before the hearing in the lower court on her petition for writ of mandamus,  
14 counsel argues in the transcript cited that he contacted the UISS Chief  
15 (Unemployment Support Services) states she expired her claim (the claim on  
16 granting her \$71 per week) when in fact she did not expire it, they just cut her off  
17 and Respondent advocated in the lower court that Early is not entitled to anything.  
18 The language of this fiction letter clearly shows the Respondent works directly  
19 with ESD staff and this action was a coordinated ploy to harass and further  
20 victimize Early in her solo plight for rightful unemployment compensation. The  
21 lower court abused its discretion in not granting Early a hearing to further ascertain  
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1 her entitlement to unemployment compensation. The lower court abused its  
2 discretion in simply accepting as evidence everything Respondents counsel argued  
3 without any affidavits from the UISS Chief, a caseworker or anyone that handles  
4 these cases in order to address Early's case.  
5

6  
7 More astonishing is that Respondent's counsel works hand in hand with  
8 personnel at ESD and now, contrary to Respondent's counsel argument in the  
9 lower court that Early never appealed, said counsel now seeks to introduce a  
10 statement to this Court that Early in fact did file an appeal on Dec. 12, 2020 and  
11 that she has an ordinary adequate plain and speedy remedy (Respondent's  
12 Answering Brief Page 7), that said appeal only spoke of backdating the claim and  
13 not reopening the 2019 claim which was governing. See Respondent and ESD only  
14 want to touch and railroad the issues they seek to force on Early, that is that she  
15 chose not to file earlier and that she is only entitled to \$71 per week because of her  
16 poor earnings in the quarters they set her at mainly because she was prevented  
17 from her claim even being recognized until Nov of 2020. So the Respondent did  
18 receive the fax for the appeal in Dec of 2020, well hello, it's now Jan of 2022 and  
19 the no one has ever contacted Early or made any effort to resolve her claim to  
20 reopen 2019 and all the money they owe her. So if they now have the appeal or an  
21 appeal, which is outside the record on appeal because ESD just entered a series of  
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1 entries on Early's account site, as they did with the "cancel letter" before the  
2 hearing to Dismiss the Petition for Writ of Mandamus. Respondent has now  
3 entered as being received five entries on December 9, 2021 apparently now  
4 recognizing her faxes and appeal. The Court should take Judicial Notice that ESD  
5 and Counsel work hand in hand to shore up a backend defense. Here they have lied  
6 to the District Court and said Early never appealed or attempted to follow the  
7 process and now all these entries hit her account which what does it even mean?  
8 Because no one has contacted Early and it only shows how ESD has been  
9 depriving her of access to file a claim and access to appeal its erroneous  
10 determinations. Exhibit 1 is submitted for the purpose of Judicial Notice that this  
11 Court can see firsthand how Respondent has been withholding back Early's  
12 appeals and failure to recognize the appeals that she sent in with every  
13 determination that is even outside the record, she argued this at the hearing in the  
14 lower court see Transcript R 142-144. The lower court abused its discretion in not  
15 allowing a hearing to develop the factual evidence that Respondent had not  
16 recognized the previous appeals Early filed from the onset R 150. Early could not  
17 keep waiting ad infinitum for Respondent to process her claims. Now Respondent  
18 shores up that Early did send in documents apparently for the appeal or appeals  
19 and that she in fact has a remedy. The lower court found that she did not follow the  
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1 procedures and that a remedy exist, that the writ was premature, because the court  
2 neglected Early's affidavits which is evidence and did nullify her efforts.  
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4 It is clear and convincing that Early was entitled to the 2019 claim, this letter  
5 of eligibility was presented in the Supplement to her Petition for Writ of  
6 Mandamus R-61-67 and that the Court neglected to give weight to this evidence R  
7 151.  
8

9 **REQUEST FOR AN APPOINTMENT OF A SPECIAL MASTER**  
10

11 It is clear that Respondent cannot in good faith process Early's claim on the  
12 2019 benefits year, nor can they be trusted to handle any appeals as they have not  
13 produced these appeals to the lower Court when faced to answer for the Petition of  
14 Writ of Mandamus, now they seek to introduce them into the record in way to  
15 shore up and defend the actions. The arbitrary and capricious nature of both the  
16 Respondent and ESD warrant the issuance of the writ. The lower court abused its  
17 discretion and did not give any weight to Early's evidence. Early had demonstrated  
18 she was entitled to the 2019 claim, that no appeal process exist to reopen a claim,  
19 that any appeal issue related to the issues for the 2020 claim granting \$71.00 does  
20 not affect or control the reopening issue of the 2019. However Early piggybacked  
21 the issue of the 2019 claim with appealing the issues of the 2020 determinations.  
22 Early was also set back two quarters by Respondents failure to process the 2020  
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1 claim until Nov. of 2020. She did not receive any of the Federal Pandemic  
2 Unemployment Compensation at \$600 per week, which she would have had at  
3 least three weeks of from March 15, 2020 to April 25, 2020, and because the Cares  
4 Act provided Emergency Unemployment Compensation she would have been  
5 carried into that program at the same rate of \$285 a week, then even if a new  
6 determination of her base period was made the new Pandemic Unemployment  
7 Compensation would have given her \$181 a week at a minimum because she did  
8 not have sufficient earnings, this would have been better than \$71.00 a week.  
9 Respondents were holding her back to relief from the Cares Act and stealing her  
10 money.  
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15 The Record shows that she is entitled to the 2019, significant developments  
16 within the Cares Act would have carried her at that rate until a new determination  
17 was made and then she would have been placed on Pandemic Unemployment  
18 Compensation. The issues and intricacies are too difficult and intertwining to allow  
19 Respondent to handle her case and it is requested that along with the Writ of  
20 Mandamus being issued that the Court also appoint a special master to oversee the  
21 process and report to the Court.  
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25 /////

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1 Respondent has labeled her case a "discrimination case" with its records and  
2 gives highlights to further black ball her from benefits. (See Exhibit 1) Enough is  
3 enough. The Writ shall issue.  
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5 Respectfully Submitted.  
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NATASHA EARLY

# EXHIBIT 1 JUDICIAL NOTICE

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08/11/2021  
04/21/2021  
03/17/2021  
02/04/2021  
02/02/2021  
12/28/2020

Monetary  
Monetary  
Monetary  
Monetary  
Adjudication  
Monetary

Notice of Monetary Determination  
Notice of Monetary Determination  
Notice of Monetary Determination  
1099 Blank Form  
Cancel Claim Letter-Allowed  
Notice of Monetary Determination

**Received at DETR**

08/11/2021

Date Received	Category	File Name	Correspondence
12/09/2021		RE Natasha Early V Detr Nevada unemployment compensation discrimination case! msg	Claimant Statement
12/09/2021		RE Natasha Early V Detr Nevada unemployment compensation discrimination case! #2.msg	Claimant Statement
12/09/2021		1FW Natasha Early claim #5101463.msg	Claimant Statement
12/09/2021		RE Natasha Early claim #5101463.msg	Claimant Statement
12/09/2021		1FW Natasha Early V Detr Nevada unemployment compensation discrimination case!.msg	Claimant Statement
05/02/2019			Medical Statement
05/02/2019			Medical Statement

**Fact Finding**

08/11/2021

Date Completed	Category	Correspondence
08/10/2021	Double Dip	Double Dip - UI
11/06/2020	Back Date	Initial - Greater than Two Weeks
11/06/2020	Back Date	Initial - Greater than Two Weeks
11/04/2020	Able and Available	Available - Lack of Tools or License
05/06/2019	Discharge for Misconduct	Mutual Agreement
04/18/2019	Discharge for Misconduct	Mutual Agreement
04/18/2019	Discharge for Misconduct	Medical Reasons

[Homepage](#)

UINW CSS 2021-12-17 08 54 21 PRD

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY THAT ON January 7, 2022 I MAILED A  
3  
4 TRUE AND CORRECT COPY OF THE FOREGOING APPELLANT'S  
5  
6 REPLY TO RESPONDENTS ANSWERING BRIEF TO RESPONDENT  
7  
8 ADDRESSED BELOW U.S. POSTAGE FIRST CLASS PREPAID AS  
9  
10 FOLLOWS:

11 TROY C JORDAN, ESQ.

12 500 East Third Street

13 Carson City , NV. 89713

14 

15 January 7, 2022 Natasha Early  
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