

SUPREME COURT OF NEVADA

Williams v. United Parcel Services

129 Nev. 386 (2013) · No. 59226 · Decided June 6, 2013

SUMMARY

The Nevada Supreme Court held that an employee is “off work” under NRS 616C.390(5) when the employee misses any amount of work as a result of an industrial injury, without a minimum five-day requirement. Because Joseph Williams missed the remainder of his work shift pursuant to his treating physician’s instructions, the one-year limitation on reopening a workers’ compensation claim did not bar his application. The court reversed the district court and remanded for further proceedings concerning whether the claim could be reopened under NRS 616C.390(1).

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Saitta, J.; Gibbons, J.; Douglas, J.
JURISDICTION	Nevada
DECIDED	June 6, 2013
DOCKET	59226
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Williams appealed from a district court order denying his petition for judicial review of an appeals officer's decision affirming the denial of his application to reopen a workers' compensation claim.
STANDARD OF REVIEW	The court reviewed the administrative decision in the same manner as the district court. Questions of law, including statutory interpretation, were reviewed de novo.
PRECEDENTIAL VALUE	Published Nevada Supreme Court opinion; precedential.
PARTIES	Joseph Williams v. United Parcel Services

TOPICS

workers compensation

statutory interpretation

judicial review of agency action

appellate procedure

standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether NRS 616C.390(5) requires an injured employee to miss at least five days of work, or receive permanent partial disability benefits, to be considered 'off work' and avoid the statute's one-year limit for reopening a workers' compensation claim.
2. Whether Williams was 'off work as a result of the injury' under NRS 616C.390(5) when he missed the remainder of his scheduled shift pursuant to his treating physician's order.
3. Whether the court could decide whether Williams presented sufficient evidence to reopen his claim under NRS 616C.390(1) when the appeals officer had not addressed that issue.

HOLDINGS

1. NRS 616C.390(5) does not require an employee to miss a minimum number of days of work to be considered 'off work as a result of the injury.'
2. Williams was 'off work as a result of his injury' because he missed the remainder of his scheduled shift pursuant to his treating physician's instruction, and therefore the one-year limitation in NRS 616C.390(5) did not bar his application to reopen the claim.
3. The court would not decide whether Williams presented sufficient evidence under NRS 616C.390(1) because the appeals officer had not reached that issue; the matter must first be addressed by the appeals officer.

KEY QUOTATIONS

“The statute's language does not condition an employee's ability to reopen a claim on the amount of time the employee was off work.” (7)

“Thus, NRS 616C.390(5) does not bar Williams' application to reopen his claim because Williams was off work as a result of his injury when he followed the treating physician's order to not work the remainder of his shift on the date of his accident.” (9)

FACTUAL BACKGROUND

On January 13, 2006, Joseph Williams was injured by an electrical shock and fall while working for United Parcel Services. His treating physician diagnosed several injuries and prohibited him from working the remainder of his scheduled shift on the date of the accident. More than one year after his workers' compensation claim was closed, Williams sought to reopen it based on later-discovered back damage and related symptoms.

PROCEDURAL HISTORY

Williams suffered a workplace injury and later sought to reopen his closed workers' compensation claim more than one year after closure. The insurer denied the request, the hearing officer and appeals officer affirmed the denial, and the district court denied Williams's petition for judicial review. The Nevada Supreme Court reversed and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must instruct the appeals officer to reexamine Williams's claim and consider the appropriate evidence under NRS 616C.390(1).

CASES CITED

- Seino v. Employers Insurance Co. of Nevada, 121 Nev. 146, 111 P.3d 1107 (2005)
- Reno Sparks Convention Visitors Authority v. Jackson, 112 Nev. 62, 910 P.2d 267 (1996)
- Barnes v. Workers' Compensation Appeals Board, 2 P.3d 1180 (Cal. 2000)
- Budget Luxury Inns, Inc. v. Boston, 407 So. 2d 997 (Fla. Dist. Ct. App. 1981)
- Ball v. Industrial Commission, 503 P.2d 1040 (Colo. App. 1972)
- Kuckler v. Whisler, 552 P.2d 18 (Colo. 1976)
- Gragg v. W. M. Harris & Son, 284 S.E.2d 183 (N.C. Ct. App. 1981)
- Riverboat Hotel Casino v. Harold's Club, 113 Nev. 1025, 944 P.2d 819 (1997)
- Irving v. Irving, 122 Nev. 494, 134 P.3d 718 (2006)
- Cromer v. Wilson, 126 Nev. 225 P.3d 788 (2010)
- Arguello v. Sunset Station, Inc., 127 Nev. 252 P.3d 206 (2011)
- State, Division of Insurance v. State Farm Mutual Automobile Insurance Co., 116 Nev. 290, 995 P.2d 482 (2000)
- Washoe Medical Center, Inc. v. Reliance Insurance Co., 112 Nev. 494, 915 P.2d 288 (1996)
- Langman v. Nevada Administrators, Inc., 114 Nev. 203, 955 P.2d 188 (1998)
- Round Hill General Improvement District v. Newman, 97 Nev. 601, 637 P.2d 534 (1981)

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