

**PETITIONS FOR JUDICIAL REVIEW OF DECISIONS DENYING
UNEMPLOYMENT INSURANCE
FOR
QUITTING WITHOUT GOOD CAUSE**

This document should be used in conjunction with the model Petition for Judicial Review prepared by Nevada Legal Services which is available at the Self Help Center. Use these instructions if you were disqualified for unemployment compensation on the ground that you quit your job without good cause.

The court will not hear new evidence or re-evaluate the evidence which was submitted to the Employment Security Division (ESD). It will reverse ESD's decision only if the court determines that either there is no substantial evidence in the record supporting a finding that you quit your job without good cause or that as a matter of law your reason for quitting did constitute good cause.

You write out your arguments as to why the record does not show that you quit without good cause in the blank spaces at Section III ARGUMENT in the model PETITIONER'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW

To help you understand what behavior qualifies as quitting without good cause which would disqualify you from receiving benefits the below information is provided. You can use it to help frame your arguments. Disclaimer: these examples do not have the force of law, however, they generally reflect a common understanding of what quitting without good cause means.

Read the general definition to see if there is a way that your conduct does not fit it. For example, is there evidence to show that you had a compelling reason to quit, and there were no other reasonable alternatives but to quit?

You are using these instructions if you have been disqualified for leaving your job without good cause or are to seek other employment. The controlling statute is NRS 612.380 which is summarized below.

NRS 612.380 Leaving last or next to last employment without good cause or to seek other employment. 1. Except as otherwise provided in subsection 2 [approved training], a person is ineligible for benefits for the week in which he has voluntarily left his last or next to last employment:

- ***Without good cause, if so found by the administrator, and until he earns remuneration in covered employment equal to or exceeding his weekly benefit amount in each of 10 weeks-***
- ***To seek other employment and for all subsequent weeks- until he***

secures other employment or until he earns remuneration in covered employment equal to or exceeding his weekly benefit amount in each of 10 weeks-, if so found by the administrator.

That statute has been interpreted by only one Nevada Supreme Court decision: McCracken v. Fancy, 98 Nev. 30, 31, 639 P.2d 552 (1982). There the court concluded that leaving a job in Nevada to move to California to seek better work, but without firm promise of work is not "good cause" to quit,

You can argue that you had good cause for leaving work if you established that you had a compelling reason to quit, and there were no other reasonable alternatives but to quit. You may argue that you had good cause to quit for either personal or work related reasons.

That personal reason may be circumstances that might happen in your personal life or at your place of employment that would compel any reasonable person to leave, even though you may be firmly attached to the employer and would prefer to remain. You may argue that you have good cause for a work-related reason if there is a serious problem at work and you have exhausted all reasonable recourse to resolve it.

Use your analysis to write out your argument in the blank space in the brief.

- If ESD disqualified you for quitting for a reason which does meet the definition of good cause make your argument in the spaces following *A. Respondent's decision was clearly erroneous as a matter of law in so far as I left my employment because _____ (state reason) _____ which constitute good cause for leaving and that _____*

- If ESD disqualified you without providing any reason as to why you your reason for quitting did not constitute good cause or if ESD conducted the hearing in some unfair/arbitrary fashion make your argument in the spaces following *B. Respondent's decision was arbitrary and capricious and an abuse of discretion because...*
- If ESD disqualified you for a reason which does not meet the definition of good cause but the record does not contain any "substantial evidence" (something beyond mere hearsay) that you actually quit for that reason make your argument in the spaces following *C. Respondent's decision was not based on substantial evidence....*