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DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS  
INDUSTRIAL INSURANCE REGULATION SECTION  
1301 N. Green Valley Parkway, Suite 200  
Henderson, Nevada 89014

July 20, 2001

Mr. Atilano Baez  
1512 N. 20<sup>th</sup> Street #7  
Las Vegas, Nevada 89101

Re: Claim Number: SCC0109733  
Date of Injury: September 11, 2000  
Employer: Alpine Steel  
Insurer: S & C Claims

Dear Mr. Baez:

The Division of Industrial Relations (DIR), Industrial Insurance Regulation Section (IIRS) received a complaint. After review of the claim file and additional information supplied to this agency, a determination has been reached.

**FINDINGS OF FACT:**

February 15, 2001, a hearing #LHS2001-C-3962-SM was heard in regards to denial of temporary total disability benefits. On March 23, 2001, the Hearing Officer rendered a decision reversing the insurers determination of January 24, 2001 denying TTD benefits and remanding it to the insurer to pay TTD benefits.

On April 20, 2001 the attorney for Alpine Steel filed a motion for stay pending appeal in regards to the Hearing Officer's decision of March 23, 2001. An appeal was scheduled for May 7, 2001. Your attorney of record Mont Tanner, Esq., was informed of the motion for stay.

On May 4, 2001, your attorney Gerard Z. Constantian, Esq of NAIW and Javier A. Arguello, Esq. Of Gugino & Schwartz agreed on changing the appeal from May 7, 2001 to June 27, 2001. Your attorney agreed not to file an opposition on the motion for stay as long as the hearing would be heard on June 27, 2001.

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**DETERMINATION:**

Based on the above Findings Of Facts, it is the determination of the IIRS that S & C Claims is not in violation of NAC and/or NRS.

Both attorneys of record agreed on the motion for stay pending appeal for June 27, 2001, therefore the issue was in litigation and could not be addressed by the IIRS.

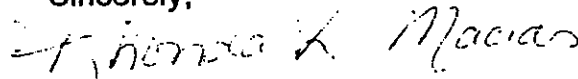
Pursuant to NRS 616D.120(2)"...Nothing in this section authorizes the administrator to modify or negate in any manner a determination or any portion of a determination made by a hearing officer, appeals officer or court of competent jurisdiction or a provision contained in a written settlement agreement or written stipulation..." You have appropriately appealed the determinations of the Insurer with which you disagreed to the Hearings Division of the Department of Administration. As outlined above, the decisions rendered by the Hearing Officers and/or Appeals Officers as well as any stipulated settlements cannot be appealed to this Division. We are statutorily prohibited from modifying or negating these determinations.

If you feel there is non-compliance with a decision handed down by the Department of Administration, please advise.

All issues have been addressed and it is the intent of the IIRS to close this complaint.

If you have any further questions, feel free to contact me.

Sincerely,



Rhonda L. Macias  
Compliance/Audit Investigator  
Industrial Insurance Regulation Section

/rlm

cc: File