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Summary of NDOC v York Claims Serv., Inc., 131 Nev. Adv. Op. 25 (May 07, 2015)

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WORKERS' COMPENSATION: WORK RELEASE PROGRAM

Summary

NRS 616B.028(1) entitles “[a]ny offender confined at the state prison, while engaged in work in a prison industry or work program” to coverage under the modified program of industrial insurance adopted by the Nevada Division of Insurance. The term “work program” in NRS 616B.028(1) does not apply to individuals who are participating in a work release program.

Background

Nevada Department of Corrections (“NDOC”) and State of Nevada Risk Management (collectively, “Appellants”) contested a finding by the Clark County Eighth Judicial District Court, that they, and not York Claims Services, Inc. (“York”), are responsible for workers’ compensation coverage for injuries sustained by Jonathan Piper (“Piper”), a participant in NDOC’s work release program.

Washworks Rainbow, LLC (“Washworks”) hired Piper to work at its car wash, and paid workers’ compensation coverage premiums on his behalf, accordingly. Piper was subsequently injured on the job and suffered traumatic brain injuries as a result. York denied the workers’ compensation claims submitted by Washworks, asserting that because Piper was in the legal custody of NDOC at the time of the injury, appellants were financially responsible for Piper’s workers’ compensation coverage. Appellants appealed York’s denial of coverage to the State of Nevada Dept. of Administrative Hearings Division (the “Department”). The hearing officer determined that York’s claim denial was improper and York was responsible for Piper’s insurance coverage.

Piper then suffered a second injury, in his rehabilitation facility, which also required brain surgery. York claimed that it was not responsible for insurance payments pertaining to this injury because it was not work-related, and asserted that this injury was a “nonindustrial intervening event.” The parties stipulated to have both of York’s denials of coverage heard by an appeals officer at the Department. The appeals officer found York to be liable for workers’ compensation coverage for both of Piper’s injuries, and determined that the first injury was a substantial contributing cause of the second injury.

The district court determined that the language “work program” included the work release program. Consequently, the district court set aside the decisions of the appeals officer and determined York was not responsible for Piper’s workers’ compensation claims for either injury.

Discussion

NRS 616B.028(1) is the controlling statute

Relying on the plain meaning canon of statutory construction, the Court determined that “work program” in NRS 616B.028(1) is “subject to more than one reasonable interpretation” and therefore ambiguous. The statute can broadly be construed to include the work release program,

¹ By Janine Lee.

but can also narrowly be construed to refer to a specific type of program within the prison industries. Likewise, looking at the statute's context is unhelpful because NRS 616B.028(1) is found in a different chapter than the statutes pertaining to prison industries and the work release program. Therefore, the Court considered the legislative history of the statute.

Legislative History

The Court considered the original version of NRS 616B.028(1), which did not include the words "or work" before the word "program." Based on the purpose of the amendment adding the words in 1995, however, it is clear that the phrase "work program" does not encompass the work release program relevant to this case. There is no evidence in NRS Chapter 213, pertaining to work release programs, or NRS Chapter 209, pertaining to prison industries, that the Legislature intended to include work release programs within the meaning of "work program" in NRS 616B.028(1). Instead, the addition of the words "or work" prior to "program," refer solely to prison industry programs codified in NRS Chapter 209, whether they take place inside prison walls or outside prison walls.

Conclusion

Because the district court misinterpreted NRS 616B.028(1), the Court reversed its judgment and reinstated the decision of the appeals officer, finding York liable for both instances of workers' compensation coverage for Piper's injuries. NRS 616B.028(1) does not apply to offenders such as Piper, who are participating in the work release program.