

4-831. Petition for writ of certiorari in appeal pursuant to Unemployment Compensation Law.

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT

_____,
Petitioner,

v. No. _____
Administrative Case No. _____

New Mexico Department of Workforce Solutions,

And

_____ (Former Employer or Employee),
Respondents.

PETITION FOR WRIT OF CERTIORARI

Petitioner appeals from the decision of the Workforce Transition Services Division of the State of New Mexico Department of Workforce Solutions in this case and states the following in support of this petition for a writ of certiorari:

1. Petitioner resides in _____ County, New Mexico, and venue is therefore properly in this court.
2. This petition is timely filed within thirty (30) days from the date of the final decision of the secretary of the Department of Workforce Solutions or the board of review. The date of the final decision is _____, and copy of the final decision is attached to this petition.

Statement of Issues

3. Petitioner believes the final decision was incorrect for the following reasons. *(Please list below in numerical order the reasons why you believe the final decision is incorrect. If you are raising more than three issues, list them on a separate sheet and attach it to this petition. See Rule 1-077(J) NMRA for a list of the reasons why the district court may reverse a decision of the board of review or secretary. After each statement of issue, state how the issue was raised in the administrative agency below.)*

Issue No. 1: _____

Issue No. 2: _____

Issue No. 3: _____

CERTIFICATE OF SERVICE

I certify that I caused a copy of this petition for writ of certiorari to be served on the following persons or entities by *(delivery) (certified mail, postage prepaid)* on this ____ day of _____, 20____:

(1) Office of General Counsel of the State of New Mexico Department of Workforce Solutions

Address: _____

(2) _____

(Name of Respondent Former Employer or Employee)

Address: _____

(3) _____

(Name of any other party to the proceedings)

Address: _____

Signature of *Petitioner* or
Attorney for *Petitioner*

4-831. Petition for Writ of Certiorari in Appeal pursuant to Unemployment Compensation Law.
[For use with Rule 1-077 NMRA]

USE NOTE

1. If the Petitioner is not represented by counsel, the affidavit of service must be completed.
2. If the petition for writ of certiorari is not filed within thirty (30) days of the final decision issued by the secretary or board of review, the district court will not have jurisdiction to hear the appeal.
3. Both the Department of Workforce Solutions and the former employer or employee must be named and joined as parties (*respondents*) to the appeal on the petition for writ of certiorari and the writ of certiorari.

[Adopted by Supreme Court Order No. 11-8300-012, effective April 18, 2011.]

THIRD JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF DONA ANA

_____,
Petitioner

Cause No: _____

vs.
New Mexico Department of Workforce Solutions,
And

Administrative No: _____

Respondent. (Former Employer or Employee),

WRIT OF CERTIORARI

To: Office of General Counsel of the State of New Mexico Department of Workforce Solutions

The court has reviewed the petition for writ of certiorari filed in the above-styled case and finds the following;

1. That the court has jurisdiction over the Workforce Transition Services Division of the State of New Mexico Department of Workforce Solutions and the other named Respondent and venue is proper in this county;
2. That the petitioner has a statutory right to judicial review of the administrative decision in the above-styled case under the Unemployment Compensation Law; and
3. The petition seeks relief from the administrative decision on one or more of the grounds set forth in Subparagraphs (1), (2), or (3) of Paragraph J of Rule 1-077 NMRA.

IT IS FURTHER ORDERED that the Workforce Transition Services Division of the State of New Mexico Department of Workforce Solutions prepare and file with this court within twenty (20) days from the date of service of this writ the record on appeal in compliance with Paragraph G of Rule 1-077 NMRA.

IT IS FURTHER ORDERED that the review in this case shall proceed in compliance with Rule 1-077 NMRA.

Date

District Court Judge

CERTIFICATE OF SERVICE

I certify that I caused a copy of this Petition for Writ of Certiorari to be served on the following persons or entities by (delivery) (certified mail, postage prepaid) on this _____ day of _____, 20____ :

- (1) Office of General Counsel of the State of New Mexico Department of Workforce Solutions

Address: _____

- (2) _____

(Name of Respondent – Former Employer or Employee)

Address: _____

- (3) _____

(Name of any other party to the proceedings)

Address: _____

Signature of Petitioner or
Attorney for Petitioner

4-832. Writ of Certiorari in Appeal pursuant to Unemployment Compensation Law.
[For use with Rule 1-077 NMRA]

USE NOTE

- 1. If the Petitioner is not represented by counsel, the affidavit of service must be completed.
- 2. If the petition for writ of certiorari is not filed within thirty (30) days of the final decision issued by the secretary or board of review, the district court will not have jurisdiction to hear the appeal.
- 3. Both the Department of Workforce Solutions and the former employer or employee must be named and joined as parties (*respondents*) to the appeal on the petition for writ of certiorari and the writ of certiorari.

[Adopted by Supreme Court Order No. 11-8300-012, effective April 18, 2011.]