

**STATE V. HERNANDEZ**

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**STATE OF NEW MEXICO  
UNINSURED EMPLOYER'S FUND,  
Petitioner-Appellee,  
v.  
ROMAN HERNANDEZ d/b/a  
TIBURON CONSTRUCTION,  
Respondent-Appellant.**

NO. 34,497

COURT OF APPEALS OF NEW MEXICO

September 30, 2015

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Alan M. Malott,  
District Judge

**COUNSEL**

Richard J. Crollett, Albuquerque, NM, for Appellee

Frederick D. Jones, Jr., Albuquerque, NM, for Appellant

**JUDGES**

M. MONICA ZAMORA, Judge. WE CONCUR: RODERICK T. KENNEDY, Judge, J.  
MILES HANISEE, Judge

**AUTHOR:** M. MONICA ZAMORA

**MEMORANDUM OPINION**

**ZAMORA, Judge.**

{1} Respondent appeals from the district court's judgment adopting the Workers' Compensation Administration's (WCA's) supplementary compensation order and

awarding the Uninsured Employers' Fund (UEF) \$76,860.73 for unpaid funds, plus interest and the mandatory statutory penalty, due to the UEF under a stipulated compensation order. We issued a notice of proposed summary disposition, proposing to affirm. Respondent has filed a memorandum in opposition to our notice. We have considered Respondent's response and remain unpersuaded that Respondent has demonstrated the district court erred. We affirm.

**{2}** Our notice proposed to affirm on multiple grounds: Respondent's arguments refer to matters that are not in the record before us; Respondent did not establish how his arguments on appeal were preserved in district court; Respondent provided insufficient information to address the merits of the appeal; Respondent's arguments constitute improper collateral attacks on previous judgments that are controlling; and the district court followed the statutory instructions contained in NMSA 1978, Section 52-5-10(B) (1990), that required it to accept the WCA's supplementary compensation order without review of the WCA's actions.

**{3}** In response to our notice, Respondent represents that he filed a timely appeal of the WCA's order denying the motion to set aside the supplemental compensation order, but he does not explain the outcome of the appeal and how that appeal would change our proposed disposition. [MIO 1-2] Also, because Respondent did not arrange for the record relative to the previous appeal to become a part of the record before us, it is not a matter of record for this Court. [MIO 2] Respondent also concedes that he did not appeal from the stipulated compensation order or the recommended resolution, which formed the basis for the district court's order from which he now appeals. [MIO 2] Respondent nevertheless requests that we consider his arguments, without citation to any authority that would support his request. [MIO 3]

**{4}** None of Respondent's arguments persuade us that any part of our proposed analysis was incorrect, and none of his arguments demonstrate that the district court erred by accepting the supplemental compensation order of the WCA as valid. As a result, for the reasons stated in this Opinion and in our notice we affirm the district court's judgment.

**{5} IT IS SO ORDERED.**

**M. MONICA ZAMORA, Judge**

**WE CONCUR:**

**RODERICK T. KENNEDY, Judge**

**J. MILES HANISEE, Judge**