

**INITIAL DECISION OF THE ADMINISTRATIVE LAW JUDGE ON REMAND FROM  
THE STATE PERSONNEL BOARD**

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OFELIA SANCHEZ,

Complainant,

v.

DEPARTMENT OF HIGHER EDUCATION,  
REGENTS OF THE UNIVERSITY OF COLORADO,  
UNIVERSITY OF COLORADO AT BOULDER,

Respondent.

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This matter is before the administrative law judge on remand from the State Personnel Board (the Board). The Board met in public session on October 21, 1997. During this public session, the Board considered the record on appeal, including the parties' briefs, and the following Order was entered:

Upon review of the Initial Decision of the Administrative Law Judge, including the Findings of Fact and Conclusions of Law, as well as the claims raised in the appeal, the matter is remanded to the Administrative Law Judge for findings of fact and conclusions of law addressing the issue of retaliation.

Consistent with the Board remand order the following additional findings are made:

**FINDINGS OF FACT**

No additional findings of fact are made with regard to the substantive evidence presented at hearing.

**DISCUSSION**

Complainant raises the claim that Respondent's action was retaliatory. Complainant had the burden of proof to establish retaliation. No evidence of retaliation was presented at hearing.

**CONCLUSIONS OF LAW**

3. Respondent's decision to terminate Complainant's employment

was neither arbitrary, capricious, nor contrary to rule or law. Specifically, Respondent's decision to terminate Complainant's employment was not retaliatory.

Dated this 5th day of  
December, 1997.

  
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Margot W. Jones  
Administrative Law Judge

**CERTIFICATE OF MAILING**

This is to certify that on the 5<sup>th</sup> day of December  
\_\_\_\_\_, 1997, I placed true copies of the foregoing INITIAL  
DECISION OF THE ADMINISTRATIVE LAW JUDGE ON REMAND in the United  
States mail, postage prepaid, addressed as follows:

Terry E. Lopez-Guzman, Esq.  
Terry E. Lopez-Guzman, P.C.  
2675 West 38th Avenue  
Denver, CO 80211

and in the interagency mail, addressed as follows:

L. Louise Romero  
Office of the University Counsel  
University of Colorado at Boulder  
203 Regent Administrative Center  
Campus Box 13  
Boulder, CO 80309-0013

  
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