

**DISMISSAL ORDER AND INITIAL DECISION ON REMAND**

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JOHN RODGERS,

Complainant,

vs.

COLORADO DEPARTMENT OF HUMAN SERVICES, COLORADO MENTAL  
HEALTH INSTITUTE AT PUEBLO,

Respondent.

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1. By State Personnel Board Order dated February 26, 2002, the Board remanded this matter to an administrative law judge to issue an order that the parties submit a proposed order to the ALJ with a calculation of the proper amount of interest, as awarded to respondent.
2. On April 4, 2002, the parties submitted in writing the following stipulation: "The parties, by and through counsel, stipulate and agree that the amount of back pay remitted by respondent to complainant and now due from complainant is **\$52,650**. The parties further stipulate and agree that interest on the amount of back pay as of March 15, 2002, is **\$13,034.63** and that the total amount now due to respondent from complainant is **\$65,684.63**."
3. Judgment is hereby entered upon the above stipulation.
4. On April 4, 2002, respondent filed a motion to vacate the hearing and to issue an order in accord with the stipulation.
5. Complainant did not respond to respondent's motion.
6. Respondent's motion is granted.
7. Complainant's appeal is dismissed with prejudice.

## NOTICE OF APPEAL RIGHTS

### EACH PARTY HAS THE FOLLOWING RIGHTS

1. To abide by the decision of the Administrative Law Judge ("ALJ").
2. To appeal the decision of the ALJ to the State Personnel Board ("Board"). To appeal the decision of the ALJ, a party must file a designation of record with the Board within twenty (20) calendar days of the date the decision of the ALJ is mailed to the parties. Section 24-4-105(15), C.R.S. Additionally, a written notice of appeal must be filed with the State Personnel Board within thirty (30) calendar days after the decision of the ALJ is mailed to the parties. Both the designation of record and the notice of appeal must be received by the Board no later than the applicable twenty (20) or thirty (30) calendar day deadline. Vendetti v. University of Southern Colorado, 793 P.2d 657 (Colo. App. 1990); Sections 24-4-105(14) and (15), C.R.S.; Rule R-8-58, 4 Code of Colo. Reg. 801. If a written notice of appeal is not received by the Board within thirty calendar days of the mailing date of the decision of the ALJ, then the decision of the ALJ automatically becomes final. Vendetti v. University of Southern Colorado, 793 P.2d 657 (Colo. App. 1990).

### PETITION FOR RECONSIDERATION

A petition for reconsideration of the decision of the ALJ may be filed within 5 calendar days after receipt of the decision of the ALJ. The petition for reconsideration must allege an oversight or misapprehension by the ALJ. The filing of a petition for reconsideration does not extend the thirty calendar day deadline, described above, for filing a notice of appeal of the decision of the ALJ.

### RECORD ON APPEAL

The party appealing the decision of the ALJ must pay the cost to prepare the record on appeal. The fee to prepare the record on appeal is \$50.00 (exclusive of any transcription cost). Payment of the preparation fee may be made either by check or, in the case of a governmental entity, documentary proof that actual payment already has been made to the Board through COFRS.

Any party wishing to have a transcript made part of the record is responsible for having the transcript prepared. To be certified as part of the record, an original transcript must be prepared by a disinterested, recognized transcriber and filed with the Board within 45 days of the date of the designation of record. For additional information contact the State Personnel Board office at (303) 894-2136.

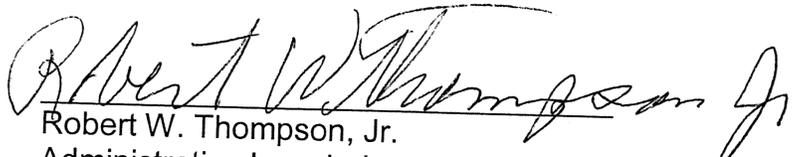
### BRIEFS ON APPEAL

The opening brief of the appellant must be filed with the Board and mailed to the appellee within twenty calendar days after the date the Certificate of Record of Hearing Proceedings is mailed to the parties by the Board. The answer brief of the appellee must be filed with the Board and mailed to the appellant within 10 calendar days after the appellee receives the appellant's opening brief. An original and 7 copies of each brief must be filed with the Board. A brief cannot exceed 10 pages in length unless the Board orders otherwise. Briefs must be double spaced and on 8 ½ inch by 11 inch paper only. Rule R-8-64, 4 CCR 801.

### ORAL ARGUMENT ON APPEAL

A request for oral argument must be filed with the Board on or before the date a party's brief is due. Rule R-8-66, 4 CCR 801. Requests for oral argument are seldom granted.

Dated this 17 day of  
April, 2002.

  
Robert W. Thompson, Jr.  
Administrative Law Judge

**CERTIFICATE OF MAILING**

This is to certify that on the 18 day of April, 2002, I placed true copies of the foregoing **DISMISSAL ORDER AND INITIAL DECISION ON REMAND** in the United States mail, postage prepaid, addressed as follows:

David J. Bruno, Esq.  
Bruno, Bruno & Colin, P.C.  
1560 Broadway, Suite 1099  
Denver, CO 80202-5143

and in the interagency mail, addressed as follows:

Joseph F. Haughain  
Assistant Attorney General  
Employment Section  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, CO 80203

