

State Personnel Board, State of Colorado

Case Number 97 B 140 (C)

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**ORDER OF THE STATE PERSONNEL BOARD**

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ROBERT P. GUSICH,

Complainant,

v.

DEPARTMENT OF CORRECTIONS, DIVISION OF CLINICAL SERVICES,

Respondent.

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The State Personnel Board (the "Board") met in public session on March 21, 2000. During this public session, the Board considered the record on appeal, including but not limited to: the Initial Decision of the Administrative Law Judge, Complainant's Opening Brief, Complainant's Notice of Errata in Complainant's Opening Brief, Respondent's Motion for Extension of Time within which to File Answer Brief, and Complainant's Response to Respondent's Motion for Extension of Time. The Board also reviewed Respondent's Motion to Permit Filing Out of Time.

The following order is entered:

**I. Motions for Extension of Time and to Permit Filing Out of Time.**

Respondent's Motion for Extension of Time and Motion to Permit Filing Out of Time are denied. Respondent fails to provide any good cause as to why it failed to timely file an answer brief.

This order represents the affirmative vote of the following Board members:

Ms. Daly, Mr. Duran, Ms. Hoffman and Ms. McCartee.

**II. Appeal of Initial Decision of the Administrative Law Judge**

The Board adopts the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge, and affirms the Initial Decision of the Administrative Law Judge

This order represents the affirmative vote of the following Board members:

Ms. Daly, Mr. Duran, Ms. Hoffman and Ms. McCartee.

Dated this 24 <sup>th</sup> day of March 2000.	
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Joy Hoffman

Board Chair

State Personnel Board

1120 Lincoln Street, Suite 1420

Denver, CO 80203

**NOTICE OF APPEAL**

Each party has the following rights:

1. To abide by this decision of the State Personnel Board; or
2. To appeal this decision to the Colorado Court of Appeals within 45 days pursuant to Section 24-4106(11), C.R.S. (1999), as provided in Section 24-50-125.4(3), C.R.S. (1999).

In the event the decision is appealed, the Board requests that a copy of the Notice of Appeal filed with the Court of Appeals also be filed with the State Personnel Board at: 1120 Lincoln Street, Suite 1420, Denver, CO 80203. Such will aide in the timely preparation of the record.

**CERTIFICATE OF MAILING**

This is to certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2000, I placed true copies of the foregoing ORDER OF THE STATE PERSONNEL BOARD, in the United States mail, postage prepaid, addressed as follows:

Bruce J. Pederson, Esq.

Pederson & Taylor, LLC

43 Union Boulevard, Suite 900

Lakewood, CO 80228

And in the interagency mail, addressed as follows:

A.A. Lee Hegner, Esq.

Cherry Creek Plaza II, Suite #1400

650 S. Cherry Street

Denver, CO 80240