

State Personnel Board, State of Colorado

Case Number 99 B 146

ORDER OF THE STATE PERSONNEL BOARD

SYLVIA MARTINEZ,

Complainant,

v.

DEPARTMENT OF CORRECTIONS, DELTA CORRECTIONAL FACILITY,

Respondent.

The State Personnel Board (the "Board") met in public session on January 18, 2000. During this public session, the Board considered the record on appeal, including but not limited to the Receipt of Petition; Notice of Hearing on Limited Issue of Equitable Tolling, Order re: Jurisdiction, Complainant's Brief in Support of Appeal of Order re: Jurisdiction, and Respondent's Brief in Opposition to Complainant's Appeal of Order re: Jurisdiction.

The following order is entered:

The Board reverses the administrative law judge's Order re: Jurisdiction. In part, the Board has concerns that the Receipt of Petition, Notice of Hearing on Limited Issue of Equitable Tolling failed to provide sufficient notice to Complainant of the issues and evidence to be considered at the limited hearing. Contemporaneously, the Board determines that enough evidence was solicited during the limited hearing on jurisdiction to support a finding that valid issues exist to warrant a hearing.

This order represents the affirmative vote of the following Board members: Joy Hoffman, Melanie Daly, Genola McCartee, and Lee Duran.

Dated this _____ day	
Of January, 2000	

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:

Peter Stuart Blood, Esq.
315 Colorado Avenue, Suite B
Pueblo, CO 81004

And in the interagency mail, addressed as follows:

Susan J. Trout
Assistant Attorney General
1525 Sherman Street, 5th Floor
Denver, CO 80203