

STATE PERSONNEL BOARD, STATE OF COLORADO
Case No. 2000B065

ORDER OF THE STATE PERSONNEL BOARD

LENDTELL NEWKIRK,

Complainant,

vs.

DEPARTMENT OF CORRECTIONS, COLORADO WOMEN'S CORRECTIONAL FACILITY,

Respondent.

The State Personnel Board (the "Board") met in public session on Tuesday, May 21, 2002. During this public session, the Board considered the record on appeal, including but not limited to:

1. Initial Decision of the Administrative Law Judge
2. Respondent's Brief on Appeal
3. Complainant's Response to Respondent's Brief on Appeal
4. Reply to Complainant's Response to Respondent's Brief on Appeal

The Board voted to adopt the findings of fact in the Initial Decision of the Administrative Law Judge ("ALJ"), but to reverse the ALJ on his first conclusion of law. Noting that there was adequate evidence to support the termination of Complainant, the Board voted that Respondent's action of terminating Complainant's employment was not arbitrary, capricious or contrary to rule or law, and reinstated Respondent's termination action.

This order represents the affirmative vote of the following Board members: Ms. Siderius, Mr. Zakhem, and Ms. Lottner. Ms. Salkind voted in opposition to the motion. Ms. Daly was absent.

Dated this _____ day
of May, 2002.

Joyce Lottner
Acting Board Chair
State Personnel Board
1120 Lincoln St., 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 24-4-106(11), C.R.S. (2001), as provided in Section 24-50-125.4(3), C.R.S. (2001).

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 **May, 2002**, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD** in the United States mail, postage prepaid, addressed as follows:

Craig M. Cornish, Esq.
Ian D. Kalmanowitz, Esq.
Cornish & Dell'olio
431 N. Cascade Avenue, Suite 1
Colorado Springs, CO 80903

and in the interagency mail, to:

Joseph F. Haughain
Assistant Attorney General
Consumer Protection Section
1525 Sherman Street, 5th Floor
Denver, CO 80203
