

**ORDER OF THE STATE PERSONNEL BOARD**

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FRANK HERRERA

Complainant,

v.

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

Respondent.

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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:

1. The Receipt of Filing; Dismissal Order;
2. Receipt of ALJ Decision, Notice of Appeal; and
3. Department's Motion to Dismiss Appeal.

In addition, after appropriate motion and second, the Board unanimously voted to review Complainant's 2 pieces of correspondence dated January 8, 2000.

**The following order is entered:**

Complainant's Appeal is dismissed due to his failure to timely file a brief and because of Complainant's failure to timely file pleadings with the Board, including the Notice of Appeal. As a result of the untimely pleadings, the Board lacks jurisdiction to consider the merits of the case.

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.

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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:

Frank Herrera  
425 Alma Avenue  
Pueblo, CO 81004

And in the interagency mail, addressed as follows:

Jeannette Walker-Kornreich  
Assistant Attorney General  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, CO 80203

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