

ORDER OF THE STATE PERSONNEL BOARD

LOWELL O. FERREL,

Complainant,

v.

DEPARTMENT OF CORRECTIONS, STERLING CORRECTIONAL FACILITY,

Respondent.

The State Personnel Board (the "Board") met in public session on June 20, 2000. During this public session, the Board considered the record on appeal, including but not limited to:

1. Receipt of Response to Request for Additional Information; Dismissal Order;
2. Appellant's Opening Brief;
3. Respondent-Appellee's Motion for Extension of Time Within which to File an Opening Brief ("Respondent's Motion"); and
4. Respondent's Answer Brief.

The Board notes that Respondent's Motion is moot given that Respondent timely filed its Answer Brief.

The following order is entered:

The Board adopts the Dismissal Order of the Administrative Law Judge and affirms, if any, any findings of fact, discussion, and conclusions of law made therein. The Board notes that this matter involved a probationary employee terminated for unsatisfactory performance as well as a claim of retaliation based upon the State Employee Protection Act at CRS 24-50.5-101, *et seq.*

This order represents the affirmative vote of the following Board members: Ms. Hoffman, Ms. Daly, Mr. Duran, Ms. Lottner, and Ms. McCartee.

Dated this ____ day
Of June, 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:

Steven M. Furman, Esq.
Crespin, Kerns, & Furman
311 East Platte Avenue
Ft. Morgan, CO 80701

And in the interagency mail, addressed as follows:

Joseph Q. Lynch
Assistant Attorney General
1525 Sherman Street, 5th Floor
Denver, CO 80203
