

STATE PERSONNEL BOARD, STATE OF COLORADO
Case Number 2001B064

ORDER OF THE STATE PERSONNEL BOARD

MARY LAEL VAN RIPER,

Complainant,

vs.

DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT,

Respondent.

The State Personnel Board (the "Board") met in public session on October 16, 2001. 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 Opening Brief
3. Complainant's Answer Brief
4. Respondent's Reply Brief.

The Board voted to adopt the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge ("ALJ"). In affirming the ALJ's order rescinding Respondent's action and reinstating Complainant with full back pay and benefits, the Board found that Respondent's action in displacing Complainant was arbitrary, capricious, or contrary to rule or law and that attorney fees were not warranted.

This order represents the affirmative vote of the following Board members: Elizabeth Salkind, Linda Siderius, John Zakhem, and Joyce Lottner. Melanie Daly was absent.

Dated this _____ day
Of October, 2001.

Joyce Lottner
Acting 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 24-4-106(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 October, 2001, I placed true copies of the foregoing ORDER OF THE STATE PERSONNEL BOARD, in the United States mail, postage prepaid, addressed as follows:

David Lichtenstein
Attorney at Law
303 East Seventeenth Avenue, Suite 1070
Denver, CO 80203

And in the interagency mail, addressed as follows:

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