

**ORDER OF THE STATE PERSONNEL BOARD**

---

KERBIN SHARP,

Complainant,

vs.

DEPARTMENT OF TRANSPORTATION,

Respondent.

---

The State Personnel Board (the "Board") met in public session on Tuesday, April 16, 2002. During this public session, the Board considered the following documents:

1. Order Granting Motion to Dismiss and Initial Decision of the Administrative Law Judge
2. Order of the State Personnel Board (dated February 26, 2002)
3. Complainant's Petition for Reconsideration

The Board voted to deny Complainant's Petition for Reconsideration. Pursuant to the Order of the State Personnel Board dated February 26, 2002, the matter is to be remanded to a new ALJ, due to the departure of the original ALJ from state service, for further proceedings. Complainant will have an opportunity to put on evidence, and both parties will have an opportunity to complete the record regarding the issue of the agency violating its own procedural directives with respect to its obligation to provide rehabilitation.

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

Dated this \_\_\_\_\_ day of  
April, 2002.

---

Melanie Daly  
Board Chair  
State Personnel Board  
1120 Lincoln Street, Suite 1420  
Denver, CO 80203

CERTIFICATE OF MAILING

This is to certify that on the \_\_\_\_\_ day of April, 2002, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD**, in the United States mail, postage prepaid, addressed as follows:

Michael A. Hug, Esq.  
9101 East Kenyon Avenue, Suite 2000  
Denver, CO 80237

And in the interagency mail, addressed as follows:

Carol M. Caesar  
First Assistant Attorney General  
Employment Section  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, CO 80203