

ORDER OF THE STATE PERSONNEL BOARD

RODERICK BROWN,

Complainant,

vs.

DEPARTMENT OF CORRECTIONS, TERRITORIAL CORRECTIONAL
FACILITY,

Respondent.

The State Personnel Board (the "Board") met in public session on Tuesday, December 17, 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. Motion for Additional Time to File Brief
3. Order Granting Motion for Additional Time to File Brief
4. Motion to Dismiss
5. Order to Complainant to Respond to Motion to Dismiss on or before December 3, 2002
6. Response to Motion to Dismiss
7. Respondent's Reply to Response to Motion to Dismiss
8. Brief of Complainant-Appellant
9. Affidavit

Finding that the Order Granting Motion for Additional Time to File Brief clearly set out the deadline for filing Complainant's opening brief and that the Brief of Complainant-Appellant was filed untimely, the Board voted to grant Respondent's Motion to Dismiss.

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

Dated this _____ day of
December, 2002.

Joyce Lottner
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. (2002), as provided in Section 24-50-125.4(3), C.R.S. (2002).

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

Darol C. Biddle
Attorney at Law
323 South Union Avenue
Denver, CO 81003

And in the interagency mail, addressed as follows:

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