

**ORDER OF THE STATE PERSONNEL BOARD**

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ELAINE LANPHIER,

Complainant,

vs.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, LABORATORY RADIATION  
SERVICES,

Respondent.

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This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on September 20, 2005. 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. Notice of Appeal
3. Complainant's Motion for One-Day Extension of Time to File Notice of Appeal
4. Motion to Dismiss
5. Complainant's Response to Motion to Dismiss
6. Response to Complainant's Motion for One-Day Extension of Time to File Notice of Appeal
7. Complainant's Reply in Support of Motion for One-Day Extension of Time to File Notice of Appeal

Based upon the Board's review and consideration,

IT IS HEREBY ORDERED that Complainant's Motion for One-Day Extension of Time to File Notice of Appeal was untimely and therefore denied; Respondent's Motion to Dismiss is granted; and Complainant's appeal of the Initial Decision of the Administrative Law Judge is DISMISSED.

Dated this \_\_\_\_ day of  
September, 2005.

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John Zakhem, Board Chair  
State Personnel Board  
633 17th Street, Suite 1320  
Denver, Colorado 80202-3604

**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. (2005), as provided in Section 24-50-125.4(3), C.R.S. (2005).

In the event the decision is appealed, pursuant to Section 24-4-106(11)(b), C.R.S. (2005), the party filing the appeal with the Court of Appeals must serve the Board with a copy of the Notice of Appeal at: 633 17th Street, Suite 1320, Denver, Colorado 80202-3604. Such will aid in the timely preparation of the record.

### **CERTIFICATE OF MAILING**

This is to certify that on the \_\_\_\_\_ day of September, 2005, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD**, in the United States mail, postage prepaid, addressed as follows:

Barry D. Roseman  
Roseman & Kazmierski, LLC  
1120 Lincoln Street, Suite 1607  
Denver, Colorado 80203

and in the interagency mail, to:

Stacy L. Worthington  
First Assistant Attorney General  
Employment Law Section  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, Colorado 80203

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