

STATE PERSONNEL BOARD, STATE OF COLORADO
Case No. 2005G002

**AMENDED ORDER OF THE STATE PERSONNEL BOARD DENYING
COMPLAINANT'S REQUEST FOR ORAL ARGUMENT AND PETITION FOR
HEARING**

BENJAMIN VIALPANDO,

Complainant,

vs.

DEPARTMENT OF TRANSPORTATION,

Respondent.

This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on August 16, 2005. During this public session, the Board considered the following, including but not limited to:

1. Preliminary Recommendation of the Administrative Law Judge
2. Complainant's Request for Oral Argument
3. Respondent's Opposition to Complainant's Request for Oral Argument
4. Complainant's Letter re Conflict of Interest
5. Notice Regarding Board Consideration of Preliminary Recommendation and Complainant's Motion for Oral Argument

Based upon the Board's review and consideration,

IT IS HEREBY ORDERED that Complainant's Request for Oral Argument be denied, that the Preliminary Recommendation of the Administrative Law Judge be adopted, and that the petition for hearing be **DENIED**.

Dated this _____ day of
September, 2005, nunc pro tunc,
August 16, 2005.

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 the 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. (2004), as provided in Section 24-50-125.4(3), C.R.S. (2004).

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 aide 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 **AMENDED ORDER OF THE STATE PERSONNEL BOARD DENYING COMPLAINANT'S REQUEST FOR ORAL ARGUMENT AND PETITION FOR HEARING** in the United States mail, postage prepaid, addressed as follows:

Nelson G. Alston, Esq.
Alston Law Firm, LLC
600 17th Street, Suite 2800 South
Denver, Colorado 80202-5428

And by interagency mail to:

Jill M. M. Gallet
First Assistant Attorney General
Employment Section
1525 Sherman Street, 5th Floor
Denver, Colorado 80203
