

**ORDER OF THE STATE PERSONNEL BOARD**

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**WILLIAM THOMAS LITTLE,**

Complainant,

vs.

**DEPARTMENT OF CORRECTIONS,**

Respondent.

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This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on August 15, 2006. 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 of the Initial Decision of the Administrative Law Judge
3. Complainant's Motion to Dismiss or Strike Respondent's Notice of Appeal of the Decision of the Administrative Law Judge
4. Response to Complainant's Motion to Dismiss or Strike Respondent's Notice of Appeal of the Decision of the Administrative Law Judge

Based upon the Board's review and consideration,

IT IS HEREBY ORDERED as follows:

1. Complainant's Motion to Dismiss or Strike Respondent's Notice of Appeal of the Decision of the Administrative Law Judge is granted;
2. The case is remanded to the Administrative Law Judge for an evidentiary hearing on the merits;
3. There shall be a limitation placed on discovery. If, upon the determination of the ALJ, full discovery on all issues has been conducted, then the hearing shall occur 30 days from the date of this Board Order; if the ALJ determines that more discovery should be allowed to be conducted, then the hearing shall occur 60 days from the date of this Board Order; and
4. Based on the Board's findings, the May 25, 2006 Initial Decision of the Administrative Law Judge does not constitute a final agency action or initial decision with a right of appeal regardless of its designation as it does not

render a final decision as to all claims in this case and does not provide the requisite finality of all issues upon which the Board may render a Final Agency Order in this matter.

Dated this 25 day of August, 2006.

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

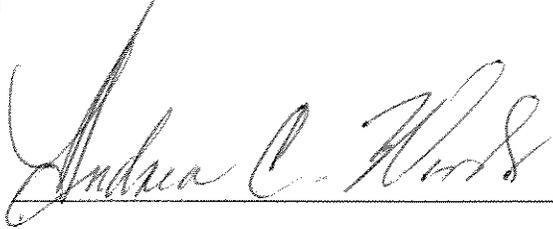
### CERTIFICATE OF MAILING

This is to certify that on the 28<sup>th</sup> day of August, 2006, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD**, in the United States mail, postage prepaid, addressed as follows:

Frank & Finger, P.C.  
Post Office Box 1477  
29025 D Upper Bear Creek Road  
Evergreen, Colorado 80437-1477

and in the interagency mail, to:

Christopher J. Puckett  
Assistant Attorney General  
Civil Litigation & Employment Law Section  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, Colorado 80203

  
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