STATE PERSONNEL BOARD, STATE OF COLORADO
Case No. 2007B062

ORDER OF THE STATE PERSONNEL BOARD DENYING PETITION FOR HEARING

JAMES DIONISIO,

Complainant,

vs.

DEPARTMENT OF TRANSPORTATION,

Respondent.

This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on June 19, 2007. During this public session, the Board considered the Preliminary Recommendation of the Administrative Law Judge.

Based upon the Board's review and consideration,

IT IS HEREBY ORDERED that the Preliminary Recommendation of the Administrative Law Judge is adopted on the grounds that there was no showing of retaliation, in that Complainant did not demonstrate he properly disclosed information under the Whistleblower Act, §24-50.5-101, *et seq.,* and Respondent would have terminated Complainant, regardless of any other facts, based on his performance.

IT IS FURTHER ORDERED that the petition for hearing is **DENIED.**

Dated this 25th day of June, 2007.

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

In the event the decision is appealed, pursuant to Section 24-4-106(11)(b), C.R.S., the party filing the appeal with the Court of Appeals must serve the State Personnel Board with a copy of the Notice of Appeal at: 633 17th Street, Suite 1320, Denver, Colorado 80202-3604. In addition to serving the State Personnel Board with a copy of the Notice of Appeal, the party filing the appeal with the Court of Appeals must name the State Personnel Board as a party (appellee) to the appeal. Section 24-4-106(11)(d), C.R.S.

CERTIFICATE OF MAILING

This is to certify that on the 25th day of June, 2007, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD DENYING PETITION FOR HEARING** in the United States mail, postage prepaid, addressed as follows:

James C. Dionisio
400 West Kansas Avenue
Trinidad, Colorado 81082

And in the interoffice mail to:

Brooke Meyer
Assistant Attorney General
Employment Section
1525 Sherman Street, 5th Floor
Denver, Colorado 80203

Andrea C. Woods