

STATE PERSONNEL BOARD, STATE OF COLORADO
Case No. 2005G076(C)

**ORDER OF THE STATE PERSONNEL BOARD DENYING COMPLAINANT'S
REQUEST FOR ORAL ARGUMENT, COMPLAINANT'S PETITION TO THE BOARD
TO OVERTURN ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION,
AND COMPLAINANT'S PETITION FOR HEARING**

DAVE TEIGEN,

Complainant,

vs.

DEPARTMENT OF CORRECTIONS, COLORADO TERRITORIAL CORRECTIONAL
FACILITY,

Respondent.

This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on October 18, 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 Petition to the Board to Overturn Administrative Law Judge's Recommended Decision
3. Respondent's Response to Complainant's Petition to the Board to Overturn Administrative Law Judge's Recommended Decision

Based upon the Board's review and consideration,

IT IS ORDERED that Complainant's request for oral argument be denied as it is within the Board's discretion and permitting oral argument may open the record to issues which were not before the Administrative Law Judge;

IT IS FURTHER ORDERED Complainant's Petition to the Board to Overturn Administrative Law Judge's Recommended Decision be denied because there is no basis under the Board's procedures or statutes for filing such a petition and under the Colorado Rules of Procedure such a motion would be discretionary; and

IT IS HEREBY ORDERED that the Preliminary Recommendation of the Administrative Law Judge be adopted, and that the petition for hearing be **DENIED**.

Dated this _____ day of
October, 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. (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 State Personnel 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. 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 to the appeal.

CERTIFICATE OF MAILING

This is to certify that on the _____ day of October, 2005, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD DENYING COMPLAINANT'S REQUEST FOR ORAL ARGUMENT, COMPLAINANT'S PETITION TO THE BOARD TO OVERTURN ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION, AND COMPLAINANT'S PETITION FOR HEARING** in the United States mail, postage prepaid, addressed as follows:

William S. Finger
Mark W. Gerganoff

and in the interagency mail to:

Stacy L. Worthington

