**STATE PERSONNEL BOARD, STATE OF COLORADO**
Case No. 2005G093

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**ORDER OF THE STATE PERSONNEL BOARD DENYING PETITION FOR HEARING**

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**DONNA JOSEPH,**

Complainant,

vs.

**DEPARTMENT OF HUMAN SERVICES, DIVISION OF DISABILITY DETERMINATION SERVICES,**

Respondent.

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This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on March 21, 2006. During this public session, the Board considered Complainant's letter of clarification. The Board also 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, and that the petition for hearing is **DENIED** on the grounds that, based on the information provided, Complainant did not establish that the appointing authority acted arbitrarily or capriciously or that there was a hostile work environment**.** In addition, Complainant's claim of discrimination was beyond the scope of her grievance and, therefore, may not be considered.

Dated this _____ day of
April, 2006.

_____
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 _____ day of April, 2006, 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:

Donna M. Joseph
[redacted]

Eric W. Freund
[redacted]

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Andrea C. Woods