

ORDER OF THE STATE PERSONNEL BOARD

DAVID A. SMITH,

Complainant,

vs.

DEPARTMENT OF CORRECTIONS, SAN CARLOS CORRECTIONAL FACILITY,

Respondent.

This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on December 15, 2009. 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. Complainant's Request for Oral Argument;
3. Complainant's Opening Brief;
4. Respondent's Response to Complainant's Opening Brief;
5. Complainant's Reply to Respondent's Response to Opening Brief.

Based upon the Board's review and consideration,

IT IS HEREBY ORDERED that Complainant's Request for Oral Argument is denied.

IT IS FURTHER ORDERED that the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge are adopted, and that the Initial Decision of the Administrative Law Judge is adopted and made an Order of the Board.

Dated this 16th day of
December, 2009.



Rich Djokic, 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 this 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.

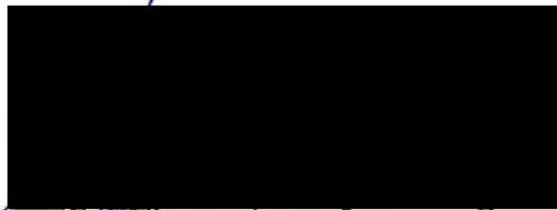
CERTIFICATE OF MAILING

This is to certify that on the 17th day of December, 2009, I electronically served true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD**, addressed as follows:

James A. Carleo, Esquire



Willow Arnold, Assistant Attorney General



Andrea C. Woods