STATE PERSONNEL BOARD, STATE OF COLORADO
Case No. 2009S014

ORDER OF THE STATE PERSONNEL BOARD DENYING PETITION FOR HEARING

DAVID T. POWELL,

Complainant,

vs.

DEPARTMENT OF HUMAN SERVICES,

Respondent.

This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on September 15, 2009. During this public session, the Board considered the Preliminary Recommendation of the Administrative Law Judge.

Based upon the Board's review and consideration of the Preliminary Recommendation, the Board finds there is a sufficient basis to uphold the Preliminary Recommendation of the Administrative Law Judge.

IT IS HEREBY ORDERED that the Preliminary Recommendation of the Administrative Law Judge is adopted, the petition for hearing is **DENIED**, Respondent's request for attorney fees is denied, and the matter is referred to the State Personnel Director.

Dated this 18th day of September, 2009.

[redacted]

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 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 18th day of September, 2009, I electronically served true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD DENYING PETITION FOR HEARING**, addressed as follows:

David T. Powell

[redacted]

Eric W. Freund

[redacted]

Office of Colorado State Personnel Director
Appeals Unit

[redacted]

[redacted]

Andrea C. Woods