

STATE PERSONNEL BOARD, STATE OF COLORADO
Case No. 2011G085

ORDER OF THE STATE PERSONNEL BOARD GRANTING PETITION FOR HEARING

RICK DAWSON,
Complainant,

vs.

DEPARTMENT OF HEALTH CARE POLICY & FINANCING,
Respondent.

This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on October 18, 2011. During this public session, the Board considered the record on appeal, including but not limited to:

1. Preliminary Recommendation of the Administrative Law Judge;
2. Order Granting Motion to Dismiss Grievance Appeal;
3. Petitioner's Brief in Support of Appeal;
4. Department of Health Care Policy and Financing's Response Brief and Request for Attorney Fees;
5. Petitioner's Reply Brief.

Based upon the Board's review and consideration,

IT IS HEREBY ORDERED that the Preliminary Recommendation of the Administrative Law Judge is adopted with regard to the denial of a hearing on Complainant's Whistleblower claims and the denial of a hearing on his claim of retaliation for exercising his First Amendment rights under the state and federal constitutions. The Board rejects the Administrative Law Judge's recommendation to grant Complainant a hearing on his claim of a violation of his free speech rights, through prior restraint. The sole issue upon which the Board **GRANTS** a hearing, pursuant to § 24-50-123(3), C.R.S., is as to whether the comments in Complainant's performance evaluation violated the Respondent's grievance procedures.

IT IS FURTHER ORDERED that the Administrative Law Judge's Order Granting Motion to Dismiss Grievance Appeal is adopted on the grounds of mootness and adds as additional grounds that Complainant lacks standing.

Dated this 19~~th~~ day
Of October, 2011.


Rich Djokic, Board Chair
State Personnel Board
633 17th Street, Suite 1320
Denver, CO 80202-3604

CERTIFICATE OF MAILING

This is to certify that on the 19th day of October, 2011, I electronically served a true copy of the foregoing **ORDER OF THE STATE PERSONNEL BOARD GRANTING PETITION FOR HEARING** as follows:

Rick Dawson



Vincent Morscher F.A.A.G.



Andrea C. Woods