

STATE PERSONNEL BOARD, STATE OF COLORADO
Case No. 2014G013

ORDER OF THE STATE PERSONNEL BOARD REGARDING AN INITIAL DECISION OF THE
ADMINISTRATIVE LAW JUDGE ON APPEAL

KATHY STARLING
Complainant,

vs.

DEPARTMENT OF REVENUE
Respondent.

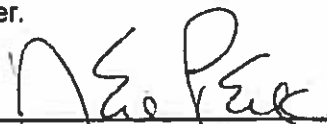
This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on February 16, 2016 and at a special meeting held on February 26, 2016. During these public sessions, the Board considered the record on appeal, including but not limited to:

1. Initial Decision of the Administrative Law Judge;
2. Complainant's Opening Brief;
3. Respondent's Answer Brief;
4. Complainant's Reply Brief.

Based upon the Board's review and consideration, and by an affirmative vote of at least three members of the Board,

IT IS HEREBY ORDERED that the Board has determined that the Administrative Law Judge's findings are insufficient to allow it to make its ultimate findings of fact. Therefore, the Board remands this matter to the Administrative Law Judge for the limited purpose of making findings as follows: 1) whether or not there was testimonial evidence at hearing that the male applicant, ("Racow"), was given notice by email concerning reallocation and posting of his position; and 2) the date, recipient, sender, and content of Hearing Exhibit 12, and whether Exhibit 12 was admitted as evidence at the hearing of this matter.

Dated this 2nd day
Of March, 2016.



Neil Peck, Board Chair
State Personnel Board
1525 Sherman Street, 4th Floor
Denver, CO 80203

CERTIFICATE OF MAILING

This is to certify that on the 2nd day of March, 2016, I electronically served a true copy of the foregoing **ORDER OF THE STATE PERSONNEL BOARD REGARDING AN INITIAL DECISION OF THE ADMINISTRATIVE LAW JUDGE ON APPEAL** as follows:

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