

STATE PERSONNEL BOARD, STATE OF COLORADO
Case No. 2016B034

ORDER OF THE STATE PERSONNEL BOARD ADOPTING THE INITIAL DECISION OF THE
ADMINISTRATIVE LAW JUDGE RESCINDING TERMINATION AND MODIFYING THE
DISCIPLINE

MATTHEW MARK STILES
Complainant,

vs.

DEPARTMENT OF CORRECTIONS, DENVER RECEPTION & DIAGNOSTIC CENTER
Respondent.

This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled meeting held on November 15, 2016. During this public session, the Board considered the record of this case, including but not limited to:

1. Initial Decision of the Administrative Law Judge
2. Respondent's Opening Brief on Appeal of Initial Decision.

Complainant, who was *pro se*, did not file a timely response. Based upon the Board's review of the Initial Decision of the Administrative Law Judge and the record, the Board adopts the Administrative Law Judge's Findings of Fact and Conclusions of Law. The Board finds that the Respondent's disciplinary action to terminate Complainant was arbitrary, capricious or contrary to rule or law; that the discipline imposed was not within the range of reasonable alternatives; and that the Respondent failed to follow Board Rule 6-9 when determining the level of discipline.

The Respondent shall rescind termination of Complainant and the discipline is MODIFIED and replaced with a ten percent (10%) reduction in pay for six (6) months, from November 2, 2015 to May 2, 2016. Complainant is entitled to full back pay and benefits, including but not limited to PERA contributions and service credit, from November 2, 2015 to the date of reinstatement, offset by any substitute earnings or unemployment compensation received by Complainant during this period of time.

IT IS HEREBY ORDERED that the Initial Decision of the Administrative Law Judge is ADOPTED and the matter shall be remanded to the Administrative Law Judge for further proceedings to determine the Complainant's monetary award of back pay and benefits.

Dated this 17 day
Of November, 2016.



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

Denver, CO 80203

NOTICE OF APPEAL

1. To abide by the decision of the State Personnel Board; or
2. To appeal this decision to the Colorado Court of Appeals within 49 days pursuant to Section 24-50-125.4(3), C.R.S., in the method described at Section 24-4-106(11), C.R.S., and in accordance with applicable Colorado Appellate Rules.

In the event this decision is appealed, the party filing the appeal with the Court of Appeals must name in the appeal and serve such appeal upon the State Personnel Board and all other parties who have appeared as parties to this action. See Section 24-4-106(11)(d), C.R.S. The State Personnel Board can be served at: 1525 Sherman Street, 4th Floor, Denver, Colorado 80203.

CERTIFICATE OF MAILING

This is to certify that on the 17th day of November, 2016, I electronically served a true copy of the foregoing **ORDER OF THE STATE PERSONNEL BOARD ADOPTING THE INITIAL DECISION OF THE ADMINISTRATIVE LAW JUDGE RESCINDING TERMINATION AND MODIFYING THE DISCIPLINE** as follows:

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