

**CAREER SERVICE BOARD, CITY AND COUNTY OF DENVER, STATE OF
COLORADO**

Appeal No. 46-07

FINDINGS AND ORDER

IN THE MATTER OF THE APPEAL OF:

MICHELLE FELIX,

Appellant/Petitioner,

vs.

**DEPARTMENT OF HUMAN SERVICES,
and the City and County of Denver, a municipal corporation,**

Agency/Respondent.

This matter is before the Career Service Board ("Board") on Appellant's Petition for Review. The Board has reviewed and considered the full record before it and **AFFIRMS** the Hearing Officer's Order dated August 23, 2007, on the grounds outlined below.

I. FINDINGS

Appellant was ordered to show cause why her claims of discrimination, harassment and retaliation should not be dismissed. Appellant and the Agency timely responded to the order. After reviewing the respective responses, the Hearing Officer found that Appellant did not present sufficient evidence to support her claims and issued an Order Dismissing Appellant's Appeal with Prejudice. Appellant then filed a Petition for Review and a Petitioner's Brief. The Agency's untimely Motion for Extension to File an Answer Brief was denied by the Board on December 6, 2007.

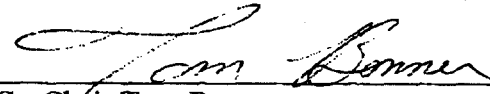
The Board's appellate jurisdiction is limited to the five grounds set forth in CSR 19-61. On appeal to the Board, Appellant does not cite any of those five grounds. Instead, she claims the Hearing Officer was incorrect because, in her opinion, she presented sufficient evidence to support her claims. The Board finds the Hearing Officer applied the correct legal standard for claims of discrimination, harassment and retaliation and assessed Appellant's proposed evidence within that legal standard. Based on the record presented on appeal, the Board cannot find that the Hearing Officer's findings of insufficient evidence are clearly erroneous.

II. ORDER

IT IS THEREFORE ORDERED that Appellant's Petition for Review is **DENIED**, and the Hearing Officer's Order Dismissing Appeal dated August 23, 2007, is **AFFIRMED**.

SO ORDERED by the Board on December 20, 2007, and documented this 28th day of December, 2007.

BY THE BOARD:


Co-Chair Tom Bonner

Board Members Concurring:

Kit Williams
Nita Henry
Ashley Kilroy

CERTIFICATE OF DELIVERY

I certify that I delivered a copy of the foregoing **FINDINGS AND ORDER** on December 28th, 2007, in the manner indicated below, to the following:

Ms. Michelle Felix (via U.S. Mail);
P.O. Box 18864
Denver, CO 80218

Cheryl Hutchison, AFSCME (via U.S. Mail);
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Dianne Briscoe, Asst. City Attorney, Dianne.Briscoe@denvergov.org (via email)

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