

**HEARING OFFICER, CAREER SERVICE BOARD
CITY AND COUNTY OF DENVER, COLORADO**
Appeal No. 72-09

ORDER DENYING MOTION FOR MORE PARTICULAR STATEMENT

IN THE MATTER OF THE APPEAL OF:

KYRA GAYLES, Appellant,

vs.

CAREER SERVICE AUTHORITY

and the City and County of Denver, a municipal corporation, Agency.

This matter comes on for consideration of Agency's motion for a more particular statement. Appellant has not responded to the motion.

This is Appellant's direct appeal of a layoff under the jurisdiction of CSR § 19-10 A.1.e. By order dated October 6, 2009, Appellant's retaliation claim was dismissed for lack of jurisdiction.

The Agency requests that Appellant designate the specific sections of Career Service Rule (CSR) 14 she alleges were violated by the layoff. It asserts that it is unable to adequately prepare pre-hearing statements or prepare for hearing without that information.

The Career Service Rules make no provision for a motion for a more definite statement. An analogous Colorado rule of civil procedure permits the filing of such a motion if a complaint fails to allege a claim with sufficient definiteness to enable preparation of a responsive pleading. C.R.C.P. 12(3). Here, the Agency filed its initial prehearing statement in the absence of the requested citations to Rule 14. Appellant is not required by the Career Service Rules or the appeal form to further specify the rule or subsection she believes was violated, and the appeal gives the Agency sufficient notice of the action being appealed. *In re Maes*, CSA 36-08 (6/17/08), *citing In re Van Dyck*, CSA 143-05 (Order 2/16/06).

ORDER

Based on the foregoing findings, the Agency's motion for a more particular statement is DENIED.

DONE this 15th day of October, 2009.


Valerie McNaughton
Career Service Hearing Officer