

**HEARING OFFICER, CAREER SERVICE BOARD
CITY AND COUNTY OF DENVER, COLORADO**

Appeal No. 198-03

DISMISSAL ORDER

IN THE MATTER OF THE APPEAL OF:

MICHAEL HARTZOG, Appellant,

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

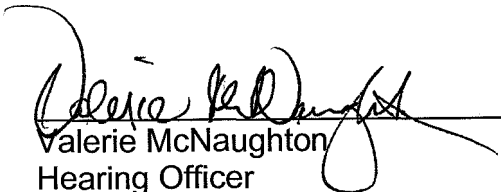
Appellant filed an appeal of his termination from employment during probationary status. Appellant was ordered to show cause why this appeal should not be dismissed for lack of jurisdiction. The parties both filed timely responses to the show cause order. The Agency subsequently filed a Motion to Dismiss. On March 30, 2004, Appellant was ordered to respond to the motion, and he failed to do so. The Agency's Motion to Dismiss puts at issue whether there is a factual basis for a claim of discrimination.

Career Service Rule (CSR) 5- 61 1) provides that an employee in probationary status "may be terminated or demoted at any time for any reasons without cause, except for discrimination..." CSR 5-62 2) provides that an employee in probationary status "may not appeal any decision relating to his or her employment, including termination, except for alleged discrimination."

In his response to the show cause order, Appellant states "I do believe I was discriminated against." Appellant failed to assert any facts from which the Hearings Officer could conclude there is a prima facie showing of discriminatory termination. Appellant's failure to respond to the Motion to Dismiss for over fourteen months is deemed a confession of the motion.

Accordingly, the Hearings Officer finds she lacks jurisdiction to consider this appeal, and orders the appeal DISMISSED with prejudice.

Dated this 22nd day of
June, 2005.


Valerie McNaughton
Hearing Officer
Career Service Board