

HEARING OFFICER, CAREER SERVICE BOARD  
CITY AND COUNTY OF DENVER, STATE OF COLORADO  
Appeal No. 46-13

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ORDER DENYING MOTION TO DISMISS

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IN THE MATTER OF THE APPEAL OF:

**CARL KOONCE**, Appellant,

vs.


**DEPARTMENT OF SAFETY, DENVER SHERIFF'S DEPARTMENT,**  
and the City and County of Denver, a municipal corporation, Agency.

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Appellant filed an appeal with the Career Service Board Hearing Officer on October 4, 2013. He claimed retaliation and the creation of a hostile work environment (harassment) on the basis of his marital status.

Although Appellant's appeal did not address discrimination directly, the Agency submitted a Motion to Dismiss, alleging, inter alia, that Appellant failed to state a discrimination claim. In his October 25, 2013 response to the motion, Appellant alleged he stated a claim under CSR § 19-10 A.2.a. by alleging his working conditions were adversely changed based on his marital status. In the light most favorable to Appellant, he has sufficiently alleged a claim of discrimination on the basis of his marital status.

DONE October 29, 2013.

  
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Bruce A. Plotkin  
Career Service Board Hearing Officer

I certify that, on October 29, 2013, I delivered a correct copy of the foregoing Order to the following, in the manner indicated:

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