

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

Appeal Nos. 76-04 and 108-04

ORDER OF DISMISSAL

IN THE MATTER OF THE APPEAL OF:

JUDE S. LIGUORI, Appellant,

Agency: Denver Department of Human Services, and the City and County of
Denver, a municipal corporation.

Appeal No. 76-04 is before the Hearings Officer for resolution of an Order to Show Cause as to why the appeal should not be dismissed as moot. Both parties have responded to the Order. Upon consideration of the responses and pleadings filed herein, it is hereby ordered as follows:

1. Appeal No. 76-04 is the timely appeal of a grievance which asserted harassment and retaliation by Appellant's supervisor, Cecelia Mascarenas. Appellant requests an investigation, an apology, compensatory damages and a transfer to another supervisor or an order to cease the harassment. The parties agree that Ms. Mascarenas is no longer Appellant's supervisor.
2. Appeal No. 108-04 is the appeal of a notice of contemplation of disciplinary action. A verbal reprimand was the ultimate outcome of the notice.
3. Appellant has requested consolidation of the above appeals. The Agency has not filed an objection to this request. As it appears that the underlying facts in both appeals are substantially similar, and the efficiency of the administrative process would be assisted by consolidation, the motion is granted.
4. Jurisdiction of an appeal under CSR § 19-10 requires an administrative action as defined within that rule. The action must be of a type that can be affirmed, modified or reversed by decision of the Hearings Officer. This consolidated appeal alleges in essence harassment under CSR § 19-10 f) by means of the actions of Appellant's former supervisor, including a notice of contemplation of discipline.
5. The Hearings Officer does not have jurisdiction to affirm, modify or reverse any action which is the subject matter of this appeal. CSR § 19-27. Appellant's former supervisor no longer works for the Agency, and a verbal reprimand may not be appealed. CSR § 16-40 C.

It is therefore ordered that this consolidated appeal is DISMISSED for lack of jurisdiction.

Dated this 29th day of
June, 2005


Valerie McNaughton
Hearings Officer
Career Service Board

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CERTIFICATE OF MAILING

I hereby certify that I have forwarded a true and correct copy of the foregoing **ORDER OF DISMISSAL** by depositing same in the U.S. mail, postage prepaid, this 29th day of June, 2005, addressed to:

Dolores S. Atencio
Attorney at Law
455 Sherman St.
Denver, CO 80203

I further certify that I have forwarded a true and correct copy of the foregoing **ORDER OF DISMISSAL** by depositing same in the interoffice mail, this 29th day of June, 2005, addressed to:

Niels Loechell
Assistant City Attorney
Denver Department of Human Services
1200 Federal Blvd. 4th Floor
Denver, CO 80204

City Attorney's Office
Litigation Section

Tamara Tyler
Department of Human Services

