

**HEARING OFFICER, CAREER SERVICE BOARD  
CITY AND COUNTY OF DENVER, COLORADO**  
Appeal No. 13-10

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**DISMISSAL ORDER**

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IN THE MATTER OF THE APPEAL OF:

**REBECCA ANN THOMAS**, Appellant,

vs.

**DENVER COUNTY COURT**,

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

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Appellant was previously ordered to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant's response was due on or before March 12, 2010. Appellant has failed to respond to the Show Cause Order or file a request for extension of time within which to do so.

The appeal alleges claims of whistleblower violation and retaliation based on the Agency's issuance of two pre-disciplinary letters. Appellant does not allege that discipline has yet been imposed. Appellant asserts claims under both CSR § 15-106 prohibiting retaliation and a violation of the Whistleblower ordinance, D.R.M.C. § 2-106 et. seq.

Both retaliation and whistleblower claims require proof of an adverse action. A pre-disciplinary letter is not an adverse action. In addition, Appellant has failed to allege that she reported official misconduct to any official, as required to support a whistleblower claim.

Order

Based on the foregoing findings and conclusions, it is ordered that the appeal is hereby DISMISSED with prejudice for lack of jurisdiction.

Dated this 15<sup>th</sup> day of March, 2010.

  
Valerie McNaughton  
Career Service Hearing Officer