

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

Appeal No. 58-05

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**ORDER**

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IN THE MATTER OF THE APPEAL OF:

**KENNETH E. TUNSON,**  
Appellant,

vs.

**DEPARTMENT OF AVIATION, DENVER INTERNATIONAL AIRPORT,**  
Agency, and the City and County of Denver, a municipal corporation.

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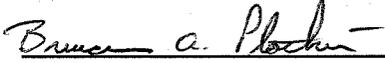
The parties appeared for hearing in this appeal on August 29, 2005, before Bruce A. Plotkin, Hearings Officer. The Appellant represented himself, while the Agency was represented by Christopher M. A. Lujan, Esq.

The Appellant appeals the Agency's decision to disqualify him from his position as Heavy Equipment Mechanic for the Agency. There was no dispute that the Appellant was required to maintain a valid commercial driver's license as part of his job requirements. The Colorado Department of Motor Vehicles revoked the Appellant's license on April 2, 2005, for one year. The Appellant claims his brother was stopped for driving under the influence of alcohol, and used his (the Appellant's) name, resulting in the Appellant's license revocation. The Appellant wished to have his brother, Clenton Tunson, testify to admit his wrongdoing regarding that incident, and asks to be reinstated to his position.

Prior to hearing, the Hearings Officer held a pre-hearing conference regarding the Agency's Motion in Limine to Preclude the Testimony of Appellant's Witness Clenton Tunson. The issue to resolve was the relevance of the Appellant's brother's testimony. The Hearings Officer agreed with the Agency that even if the Appellant's claim regarding his brother were true, the brother's testimony would not be relevant to an ultimate issue in the case, namely whether the Agency was justified in disqualifying the Appellant based upon the revocation of his required license.

The Appellant agreed his brother's testimony would not be relevant to that issue. Therefore the Hearings Officer granted the Agency's motion. The Appellant then withdrew his appeal. Accordingly this Appeal is **DISMISSED WITH PREJUDICE.**

DONE this 29<sup>th</sup> day of August, 2005.

  
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Bruce A. Plotkin  
Hearing Officer  
Career Service Board