

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

Appeal No. 173-04

ORDER

IN THE MATTER OF THE APPEAL OF:

NANCY CRANMER, Appellant,

vs.

DEPARTMENT OF PARKS AND RECREATION, Agency,
and the City and County of Denver, a municipal corporation.

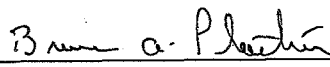
The Hearings Officer issued his Show Cause Order on December 9, 2004. Both the Appellant and the Agency filed responses. Having considered the parties responses and being otherwise informed in this matter, the Hearings Officer finds and orders as follows.

Career Service Rule (CSR) 19-22 a) provides that an appeal must be filed with the Career Service Authority Hearings Office ten days from the date of notice of action. The action giving rise to the appeal in this case was the Agency's letter of suspension dated November 22, 2004. The date of notice of the action is defined as either the date of hand delivery, or the date on the certificate of mailing. CSR 19-22 a) 2) (a). The Certificate of Mailing of the Notice was November 22, 2004. The Appellant filed her appeal on December 8, 2004, outside of the jurisdictional requirement of the rule.

Appellant argues her supervisors informed her she had ten business days in which to file her appeal. Even if that were true, ten business days from the date of the notice of the Agency's action giving rise to this appeal would be ten business days from November 22, or December 7, 2004, which would also make the Appellant's December 8, 2004 filing untimely. As the Appellant's appeal was not timely, the Hearings Officer lacks jurisdiction over the Appellant. Widener v. District Court, 200 Colo. 398, 615 P.2d 33 (Colo. 1980).

ORDER: this appeal is DISMISSED with prejudice.

Dated this 29th day of December, 2004.



Bruce A. Plotkin
Hearing Officer
Career Service Board