

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

Appeal No. 65-06

ORDER OF DISMISSAL

IN THE MATTER OF THE APPEAL OF:

JOSEPH DIGREGORIO

Appellant,

vs.

DEPARTMENT OF LAW, CITY ATTORNEY'S OFFICE,
and the City and County of Denver, a municipal corporation,
Agency.

Both parties have submitted pleadings addressed to the sufficiency of the retaliation claim. On the basis of those pleadings and the appeal record, it is hereby ordered as follows:

Appellant has referred the Hearing Officer to his previously filed response and exhibits provided in his prehearing statement. The Agency argues that the record fails to demonstrate that the Agency's action in reopening the vacancy Appellant claims he was denied was a materially adverse action, a necessary element of the claim of retaliation.

As noted in the order dated Jan. 17, 2007, the pleadings and exhibits submitted as of that date did not demonstrate that adverse action sufficient to support a retaliation claim had been taken. Appellant has not produced any additional evidence on that issue.

Order

The claim of retaliation is dismissed. The hearing in this appeal now set for Feb. 26, 2007 is vacated.

Dated this 5th day of February, 2007.


Valerie McNaughton
Career Service Hearing Officer