

**HEARING OFFICER, CAREER SERVICE BOARD
CITY AND COUNTY OF DENVER, COLORADO**
Appeal No. 112-09

ORDER DISMISSING APPEAL

IN THE MATTER OF THE APPEAL OF:

KENT SUNDRUP, Appellant,

vs.

DEPARTMENT OF SAFETY, DENVER SHERIFF'S DEPARTMENT and the City and County of Denver, a municipal corporation, Agency.

Appellant was ordered to show cause why his appeal should not be dismissed as untimely filed. Appellant filed his response on January 13, 2010. The Agency did not file a response.

By its letter dated December 3, 2009, the Agency notified Appellant he was suspended without pay for three days. Appellant filed his appeal on December 23, 2009. Appellant previously contended the Agency hand-delivered an amended notice of discipline on December 29, 2009. After two enlargements of time in which to do so, the Appellant has not filed a copy of the alleged December 29, 2009 amended notice of discipline.¹ Instead, the Appellant now contends the Agency mailed its original notice of discipline on December 7, which date establishes the notice of action pursuant to CSR 19-20 A. 2. a. Even if this is true, the jurisdictional filing date for this appeal would then be 15 days after December 7, or December 22. Since Appellant acknowledges he filed on December 23, then he failed to meet a critical filing requirement, without which the merits of his appeal may not be considered. *In re Delgado*, CSA 182-04 (Order 3/9/05), *citing Widener v. District Court*, 615 P.2d 33 (Colo. 1980). Consequently, this appeal is **DISMISSED WITH PREJUDICE**, for lack of jurisdiction.

DONE January 13, 2010.



Bruce A. Plotkin
Career Service Hearing Officer

¹ See Appellant's Response, filed January 4, 2010, and his Amended Response, filed January 12, 2010.