

CAREER SERVICE BOARD, CITY AND COUNTY OF DENVER, STATE OF COLORADO

Appeal No. 127-08 A.

FINDINGS AND ORDER RE: INTERLOCUTORY APPEAL AND MOTION TO DISMISS

IN THE MATTER OF THE APPEAL OF:

THOMAS CULLEN,

Appellant/Petitioner,

vs.

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

Agency/Respondent.

CAREER SERVICE
HEARING OFFICE

FEB 05 2009

RECEIVED

This matter is before the Career Service Board on Appellant's Petition for Interlocutory Appeal, and the Agency's Motion to Dismiss the Petition. After reviewing the pleadings, the Board **GRANTS** the Agency's Motion to Dismiss.

CSR 19-61 E. provides for interlocutory appeal to the Career Service Board when "the Hearing Officer does not have jurisdiction over the appeal." Here, Appellant is contesting the Agency's termination of his employment and the Hearing Officer clearly has jurisdiction to hear this appeal pursuant to CSR 19-10 A.1.(a). Appellant's Petition is based on a claim that the Hearing Officer allegedly abused her discretion in ruling on the issuance of subpoenas prior to the hearing; however, this is not grounds for interlocutory appeal under the career service rules.

ORDER

IT IS THEREFORE ORDERED that Appellant's Petition for Interlocutory Appeal is **DENIED**, the Agency's Motion to Dismiss is **GRANTED**, and this matter is remanded back to the Hearing Officer for further proceedings.

SO ORDERED by the Board on February 5, 2009, and documented this
5th day of February, 2009.

BY THE BOARD:

Luis Tasso

Co-Chair

Tom Brown

Board Members Concurring:

*Gabriel
Felicitas O'Hara*