

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

Appeal No. 40-06

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**ORDER DISMISSING APPEAL**

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IN THE MATTER OF THE APPEAL OF:

**RENEE APODACA,**  
Appellant,

vs.

**PARKS & RECREATION,**  
and the City and County of Denver, a municipal corporation,  
Agency.

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The Agency filed its Motion to Dismiss on July 17, 2006. The Appellant filed her timely response July 27, 2006. Having considered the parties Motion, Response, and being otherwise informed in this matter, the Hearings Officer finds and orders as follows.

The Agency correctly identified, that under Career Service Rule (CSR) 19-22 a), an appeal must be filed with the Career Service Authority Hearings Office within 15 days from the date of notice of action. The action giving rise to the appeal in this case was the Agency's letter of dismissal to the Appellant dated and effective June 8, 2006. 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 Appellant acknowledged timely receipt of the hand-delivered notice. The Appellant filed her appeal on July 10, 2006, outside of the jurisdictional requirement of the rule.

Appellant acknowledges she realized the filing deadline only belatedly, but offers no external reason that may have prevented her from becoming aware of the deadline, such as failure to receive the dismissal notice, or being misinformed by someone in a position of authority. Without meeting the filing deadline, or providing an extraordinary, supervening reason for such failure, the Hearings Officer is deprived of personal jurisdiction over the Appellant to consider the merits of her case. See In re Ortivez, CSA 174-03 (3/3/04), Widener v. District Court, 200 Colo. 398, 615 P.2d 33 (Colo. 1980).

Accordingly, this appeal is DISMISSED With Prejudice.

DONE this 28<sup>th</sup> day of July, 2006.



Bruce Plotkin  
Hearing Officer for the  
Career Service Board

**CERTIFICATE OF MAILING**

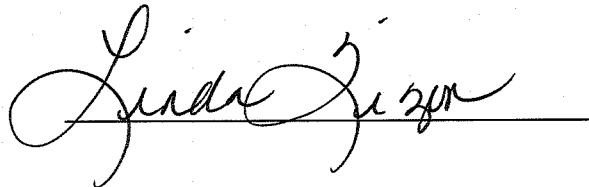
I certify I have forwarded a correct copy of the foregoing **ORDER DISMISSING APPEAL**, by depositing it in the U.S. mail, postage prepaid, this 28<sup>th</sup> day of July, 2006 addressed to:

Ms. Renee Apodaca  
4493 Clay Street  
Denver, CO 80211

I further certify I have forwarded a correct copy of the foregoing **ORDER DISMISSING APPEAL**, by depositing it in interoffice mail this 28<sup>th</sup> day of July, 2006 addressed to:

Joseph A. DiGregorio, Assistant City Attorney  
City Attorney's Office  
Litigation Section  
201 West Colfax Avenue Dept. 1108  
Denver, CO 80202

Mr. David Jerrow  
Senior Agency Personnel Analyst  
Department of Parks and Recreation



A handwritten signature in cursive script, appearing to read "Linda Jerrow", is written over a horizontal line.