

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

Appeal No. 57-05

ORDER

IN THE MATTER OF THE APPEAL OF:

CARRIE BURNS, Appellant,

vs.

Denver Department of Human Services, Agency,
and the City and County of Denver, a municipal corporation.

I. ORDER TO SHOW CAUSE

This matter is before the Hearings Officer following the issuance of his Order to Show Cause, dated May 27, 2005. The parties have filed timely responses. Having considered the file, the parties responses, and being otherwise informed in the law concerning this matter, the Hearings Officer finds and orders as follows:

The Appellant seeks review of the denial of her grievance concerning actions of her supervisor. The Order to Show Cause directed the parties to answer why this appeal should not be dismissed as not ripe for review. Based upon the Appellant's complaint, the Agency undertook an investigation pursuant to Career Service Rule 15-104. At the time of her appeal, the Appellant had not received notice of the outcome of that investigation, without which her appeal was premature.

In her response, the Appellant states she has now received a response concerning the investigation, but expresses her dissatisfaction with the result, insofar as it denied her request to be moved to another supervisor, did not provide a copy of the report to her, allowed her supervisor to return to her position, and failed to follow CSA policies against workplace violence.

The Agency responded the Appellant has failed to aver continuing harassment, without which her appeal remains premature. The Hearings Officer agrees. CSR 19-10 f) states "[t]he disposition by a supervisor or other appropriate official of a complaint of harassment or discrimination may be appealed if such disposition has not resulted in stopping the prohibited behavior." [emphasis added]. Although there is now a disposition of the Appellant's complaint of harassment, she has not averred any


continuing harassment. Without a showing of continuing harassment following the Agency investigation, this appeal is not ripe for review.

For these reasons, the Hearings Officer ORDERS this Appeal to be DISMISSED WITHOUT PREJUDICE.

II. SEALING OF EXHIBITS

The Agency, within its Response to the Order to Show Cause, has requested sealing of certain exhibits. The Hearings Officer finds the Agency has shown good cause for its Motion to Maintain Confidentiality of Exhibits 2 and 3. Those two exhibits shall remain sealed and confidential until further order of the Hearings Officer.

DONE this 22nd day of June, 2005.



Bruce A. Plotkin
Hearing Officer
Career Service Board


CERTIFICATE OF MAILING

I hereby certify that I have forwarded a true and correct copy of the foregoing **ORDER** by depositing same in the U.S. mail, postage prepaid, this 22~~nd~~ day of June, 2005, addressed to:

N. Nora Nye, Esq.
CFPE
1580 Logan St. Suite 310
Denver, CO 80203

I further certify that I have forwarded a true and correct copy of the foregoing **ORDER** by depositing same in the interoffice mail, this 22~~nd~~ day of June, 2005, addressed to:

Niels Loechell, Esq.
Assistant City Attorney
Denver Department of Human Services
1200 Federal Blvd. 4th Floor
Denver, CO 80204

A handwritten signature in cursive script, reading "Laurel A. Cronin", is written over a horizontal line.