

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

Appeal No. 53-06A

2007 FEB 26 A 10:43
CAREER SERVICE BOARD
CITY AND COUNTY OF DENVER

FINDINGS AND ORDER

IN THE MATTER OF THE APPEAL OF:

MICHAEL DELMONICO,

Appellant/Petitioner,

vs.

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

Agency/Respondent.

This matter is before the Career Service Board ("Board") on Appellant's Petition for Review. Having reviewed and considered the full record before it, the Board finds that it is without jurisdiction to hear this appeal, on the grounds outlined below.

FINDINGS

Appellant raises as one of his grounds for review newly discovered evidence under Career Service Board Personnel Rule (CSR) 19-61 (A). That rule, however, gives the Board appellate review only when "new and material evidence is available that was not available when the appeal was heard by the Hearing Officer." Appellant fails to articulate what his new evidence is, explain how it is material, or demonstrate why it was not available prior to the hearing.

As alternative grounds for review, Appellant raises erroneous rule interpretations under CSR 19-61 (B). Again, Appellant fails to demonstrate how the Hearing Officer incorrectly interpreted any of the career service rules. Instead, Appellant's arguments center around his disagreement with the factual evidence relied upon by the Hearing Officer in his Decision, despite the fact that Appellant did not raise sufficiency of the evidence as grounds for review and did not order transcripts of the hearing.

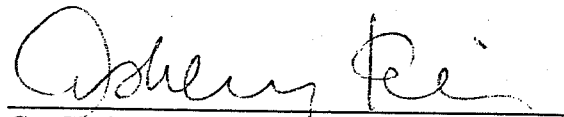
For these reasons, the Board finds that Appellant has not presented sufficient grounds to invoke its jurisdiction to hear his appeal under CSR 19-61 (A) or (B).

ORDER

IT IS THEREFORE ORDERED that Appellant's Petition for Review is **DENIED** for lack of subject matter jurisdiction.

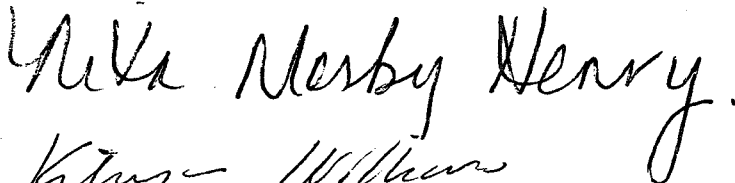
SO ORDERED by the Board on February 15, 2007, and documented this
15th day of February, 2007.

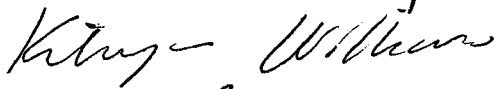
BY THE BOARD:


Co-Chair

Board Members Concurring:









CERTIFICATE OF MAILING

I certify that I have mailed a true and correct copy of the foregoing **FINDINGS AND ORDER**, postage prepaid, this 15th day of February, 200~~8~~⁷ to: 7 ces

Michael Delmonico
7898 Alkire Street
Denver, Co 80005

And **VIA INTEROFFICE MAIL** this 15th day of February, 200~~8~~⁷ ces

Robert A. Wolf, Assistant City Attorney
City Attorney's Office, Dept. 1108

Alvin J. LaCabe, Jr., Manager
Department of Safety

William R. Lovinger, Undersheriff
Denver Sheriff's Department

CSA Hearings Office

Deborah A. Saraceni