

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

Appeal No. 54-06

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**ORDER OF DISMISSAL**

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IN THE MATTER OF THE APPEAL OF:

**BENJAMIN ESCALERA,**  
Appellant,

v.

**DENVER PUBLIC WORKS, TRAFFIC OPERATIONS DIVISION, FLEET  
MAINTENANCE DIVISION,** and the City and County of Denver, a municipal  
corporation,  
Agency.

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On August 2, 2006, Appellant was ordered to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant has not responded to the order by August 8, 2006. The Agency filed its response on August 4, 2006, arguing that Appellant lacks career service status to file this appeal.

Appellant states on his appeal form that he is an on-call Senior Utility Worker for Traffic Operations/Fleet Maintenance, which is within the Department of Public Works. An employee must have career service status in order to invoke the jurisdiction of the Career Service Hearing Office in an appeal "except on grounds of discrimination". CSR § 5-64 2. An on-call employee does not have career status. CSR § 5-42 D.

Accordingly, this appeal is hereby **DISMISSED** with prejudice for lack of jurisdiction.

Dated this 14<sup>th</sup> day of August, 2006.



A handwritten signature in black ink, appearing to read "Doreen Hill", is written over a horizontal line. The signature is cursive and includes a large loop at the end.

**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 14<sup>th</sup> day of August, 2006, addressed to:

Benjamin Escalera  
7560 W. Florida Ave. #7  
Lakewood, CO 80232

I further certify that I have forwarded a true and correct copy of the foregoing **ORDER** by depositing same in interoffice mail this 14<sup>th</sup> day of August, 2006, addressed to:

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

Mr. Bill Miles  
Department of Public Works

Mr. Robert Kochevar  
Traffic Operations Division

Mr. Robert Castaneda  
Fleet Maintenance Division

