

ORDER DISMISSING APPEAL WITHOUT PREJUDICE

IN THE MATTER OF THE APPEAL OF:

GILBERT FERNANDEZ,
Appellant,

vs.

**DEPARTMENT OF GENERAL SERVICES,
FACILITIES PLANNING AND MANAGEMENT,**
and the City and County of Denver, a municipal corporation,
Agency,

The Agency filed its "Agency's Motion to Dismiss" on May 2, 2008. The Appellant did not respond. I have reviewed the case file, the Agency's motion, am otherwise informed in this matter, and now find and rule as follows.

This case comes before the Hearing Office following the Appellant's appeal of his dismissal on March 4, 2008. Pursuant to mediation, the parties arrived at settlement in this case. The Appellant has been represented by his union representative, Ed Bagwell. On April 10, 2008, the Agency sent a copy of the settlement agreement to Bagwell for the Appellant's signature.

To date the Appellant has not responded to the settlement agreement, has not filed a status report as required by my April 3, 2008 Order, and has not requested a continuance or extension of time. His representative, the Agency's representative and the Hearing Office have called his last-known telephone number several times. All three received only a recorded message stating his phone is off or is outside the service area. The Appellant has failed to keep the hearing office informed of his current contact information as required by section G of my "Notice of Hearing and Pre-hearing Order, served March 18, 2008. The Agency now requests the appeal be dismissed as abandoned.


I find the Appellant has abandoned his appeal, and therefore order this appeal is DISMISSED WITHOUT PREJUDICE.



Bruce A. Plotkin
Career Service Hearing Officer

I certify that, on May 19, 2008, I delivered a correct copy of the foregoing Order to the following, as indicated below:

Michael O'Malley, Esq., michaelomalleylaw@hotmail.com	(via email);
Mr. Ed Bagwell, 303-433-5950	(via facsimile);
Ms. Kathy Hand, Paralegal, kathy@leganavigators.com	(via email);
Mr. Gilbert Fernandez, 3550 Harlan St., Denver, CO 80235	(via US mail);
Andrea Kershner, Assistant City Attorney, dlefilng.litigation@denvergov.org	(via email);
Mr. James Williamson, Facilities Asst. Director, James.Williamson@diadenver.net	(via email);
Ms. Regina Garcia, Gen. Svc. Human Resources, Regina.Garcia@denvergov.org	(via email).



Linda Zepher