

ORDER DISMISSING APPEAL

IN THE MATTER OF THE APPEAL OF:

NANCY KINGSOLVER, Appellant,

vs.

DEPARTMENT OF HUMAN SERVICES

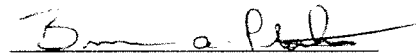
and the City and County of Denver, a municipal corporation, Agency.

The parties have filed timely responses to my Order to Show Cause which commanded the Appellant to state why this appeal should not be dismissed for lack of jurisdiction. The underlying jurisdictional issue is whether the Hearings Office may consider the merits of Appellant's appeal of her "below expectations" work review (known as a Performance Enhancement Program Report, or PEPR) which was assessed on 22, 2011.

The jurisdiction of the Hearings Office to consider a PEPR grade is limited to those PEPRs rated as "failing." Career Service Rule 19-10 A. 2. c. While Appellant's response addresses the merits of the rating, she does not dispute that she was assessed a "failing" rating. She also does not state she filed a grievance of her rating, both conditions precedent to appeal. *Id.* Direct appeals, i.e., those filed directly in the Hearings Office without first filing a grievance in one's agency which is then denied, are limited to those actions specified in CSR 19-10 A. 1., none of which include the direct appeal of a PEPR. Appellant's response failed to address why jurisdiction is proper.

Having failed to satisfy jurisdictional requirements for the filing of her appeal, the order to show cause is made final, and Appellant's appeal is DISMISSED WITH PREJUDICE.

DONE April 19, 2011.



Bruce A. Plotkin
Career Service Hearing Officer

I certify that, on April 19, 2011, I delivered a correct copy of this Order to the following in the manner indicated:

Ms. Nancy Kingsolver, Nancy.Kingsolver@denvergov.org	(via email);
Terry Ross, Esq., TRossLaw@gmail.com	(via email);
Niels Loechell, City Attorney's Office Niels.Loechell@denvergov.org	(via email);
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