

ORDER DENYING MOTION TO RECONSIDER DISMISSAL OF APPEAL

IN THE MATTER OF THE APPEAL OF:

JOSEPH MAESTAS, Appellant,

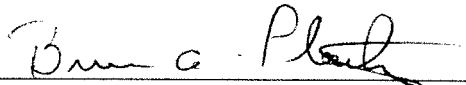
vs.

DEPARTMENT OF GENERAL SERVICES, THEATRES AND ARENAS DIVISION,
and the City and County of Denver, a municipal corporation, Agency.

Appellant filed his appeal on June 1, 2011. The Hearing Officer ordered the parties to file their prehearing statements on or before June 21, 2011. The Agency filed its prehearing statement on June 21, 2011. To date, Appellant has not filed a prehearing statement.

Appellant was ordered to show cause, on July 27, why dismissal of this appeal should not be imposed for failure to file his prehearing statement. When Appellant failed to respond, an order dismissing his appeal entered on August 2. Appellant then requested to set aside the dismissal, stating he would respond by August 3. One of his responses, filed August 3 cited reasons he disagreed with the dismissal, but failed to state justification for his failure to file a pre-hearing statement. The other August 3 response stated he received notice of the show cause order only on July 29, which I take to mean the Appellant did not have sufficient time to prepare a pre-hearing statement. In addition, he stated he has been ill, although no doctor letter or other documentation was provided. Even if Appellant showed good cause to set aside the dismissal for his illness, he has failed to show cause by filing his pre-hearing statement. Motions to set aside final orders will be considered only upon a showing of extraordinary circumstances. None was shown here. Consequently, the motion to set aside dismissal of the appeal is DENIED. Appellant may not file any further motions, emails, or letters with the Hearings Office. Any further appeal must be made to the Career Service as described, below.

DONE August 9, 2011.



Bruce A. Plotkin
Career Service Hearing Officer

NOTICE OF RIGHT TO FILE PETITION FOR REVIEW

You may petition the Career Service Board to review this ORDER, in accordance with the requirements of Career Service Rule 19-60 through 19-80, within fifteen calendar days after the date this order is delivered as stated in the attached certificate of delivery. **Please note the 15-day deadline begins from the date sent from the Hearings Office, not the date you receive it.** The Career Service Rules are available as a hyperlink at

<http://www.denvergov.org/jobs/PublicNoticesandAnnouncements/CareerServiceAuthorityRuleRevisions/tabid/433593/Default.aspx>

All petitions for review must be filed with the:

Career Service Board
c/o CSA Personnel Director's Office
201 W. Colfax Avenue, Dept. 412, 4th Floor
Denver, CO 80202
EMAIL: Leon.Duran@denvergov.org

AND

Career Service Hearing Office
201 W. Colfax, 1st Floor
Denver, CO 80202
FAX: 720-913-5995
EMAIL: CSAHearings@denvergov.org.

AND

Opposing parties or their representatives, if any.

I certify that on August 8, 2011, I delivered a correct copy of this Order to the following in the manner indicated:

Mr. Joseph Maestas, babsbbad56@yahoo.com

(via email);

City Attorney's Office at Dlefilng.litigation@denvergov.org

(via email);

HR Services, HRServices@denvergov.org

(via email).

