

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

Appeal No. 46-05

DISMISSAL ORDER

IN THE MATTER OF THE APPEAL OF:

ANDREW L. ORTIZ Appellant,

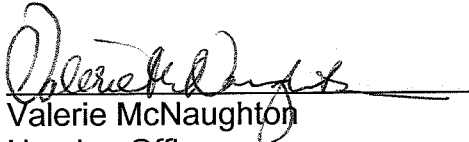
Agency: Department of Aviation Denver International Airport, and the City and
County of Denver, a municipal corporation.

Appellant was ordered to show cause, on or before May 23, 2005, why this appeal should not be dismissed for lack of jurisdiction. Appellant responded on May 23, 2005. The Agency filed a reply on June 2, 2005. Upon consideration of the Appellant's response, and the Agency's reply, the Hearing Officer finds she lacks consideration to consider this appeal.

The Order to Show Cause specified the issue to resolve was the apparent lack of jurisdiction of the Hearings Officer to consider the discipline of a verbal warning. Career Service Rule (CSR)16-40 C. is specific, "**A verbal warning may not be grieved or appealed**" [emphasis added]. The Appellant clearly admits in his response that the discipline he received was verbal discipline and it is the verbal discipline which he wishes to have removed. Although Appellant's response goes on to address why he believes he shouldn't have received the verbal discipline, he fails to address the issue of the Hearings Officer's jurisdiction to hear an appeal of a verbal discipline.

It is very clear that CSR 16-40 C does not allow a grievance or an appeal of a verbal warning. Thus, the Hearings Officer must find she is without authority to rule on Appellant's claims, as she is without authority to consider an appeal of a verbal warning. Accordingly, the Appellant's appeal is ordered DISMISSED with prejudice.

Dated this 6th day of
June, 2005.


Valerie McNaughton
Hearing Officer
Career Service Board

CERTIFICATE OF MAILING

I hereby certify that I have forwarded a true and correct copy of the foregoing **DISMISSAL ORDER** by depositing same in the U.S. mail, postage prepaid, this 16th day of June, 2005, addressed to:

Andrew L. Ortiz
17020 E. Carlson Dr. #934
Parker, CO 80134

I further certify that I have forwarded a true and correct copy of the foregoing **DISMISSAL ORDER** by depositing same in the interoffice mail, this 16th day of June, 2005 addressed to:

Robert D. Nespor
Assistant City Attorney
Litigation Section

Laurie A. Cronin