

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

Appeal No. 137-04

ORDER DISMISSING APPEAL

IN THE MATTER OF THE APPEAL OF:

SOPHIE PADILLA, Appellant,

vs.

DEPARTMENT OF PUBLIC WORKS, FINANCE AND ADMINISTRATION DIVISION,
Agency,
and the City and County of Denver, a municipal corporation.

The Hearings Officer issued an Order to Show Cause on September 10, 2004. The parties have responded and the Hearings Officer, having considered the responses of the parties and being otherwise informed in the matter rules as follows.

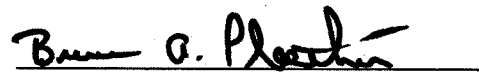
Career Service Rule 19-22 a) specifies "every appeal shall be filed at the office of the Career Service Authority within ten (10) calendar days from the date of notice of the action, which is the subject of the appeal." The final date for filing this appeal was September 7, 2004. The Appeal was filed on September 8, 2004.

The language of the rule is jurisdictional and obligates the Hearings Officer to uphold the specified deadlines. Unlike the Colorado Rules of Civil Procedure (CRCP) which allow for good cause, the Career Service Rules provide no such allowance, e.g. CRCP rule 6.

The Hearings Officer appreciates Appellant counsel's candor in addressing the Order to Show Cause; however, it is not in the power of the Hearings Officer to enlarge the time for filing beyond the time specified by rule 19-22 a).

Regretfully, the Hearings Officer must order this appeal to be **DISMISSED WITH PREJUDICE**.

Dated this 22ND day of September, 2004.


Bruce A. Plotkin
Hearing Officer
Career Service Board

CERTIFICATE OF MAILING

I hereby certify that I have forwarded a true and correct copy of the foregoing **ORDER DISMISSING APPEAL** by depositing same in the U.S. mail, postage prepaid, this 22ND day of September, 2004, addressed to:

N. Nora Nye, Esq.
CFPE
1580 Logan St. Suite 310
Denver, CO 80203

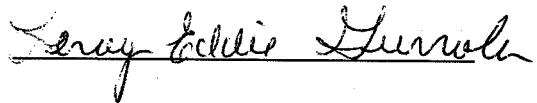
Sophie Padilla
3501 W. 4th Avenue
Denver, CO 80219

I further certify that I have forwarded a true and correct copy of the foregoing **ORDER TO SHOW CAUSE** by depositing same in the interoffice mail, this 22ND day of September, 2004, addressed to:

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

Bill Miles
Department of Public Works

Gary Oppliger
Finance and Administration Division

Handwritten signature of Gary Eddie Gurrula in cursive script, written over a horizontal line.