

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

Appeal No. 110-06

ORDER re APPELLANT'S MOTION TO RECONSIDER DISMISSAL OF APPEAL

IN THE MATTER OF THE APPEAL OF:

CONNIE L. RAY,
Appellant,

vs.

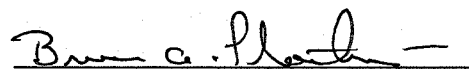
DENVER INTERNATIONAL AIRPORT, DEPARTMENT OF AVIATION,
Agency,
and the City and County of Denver, a municipal corporation.

Appellant filed a letter in the Hearings Office on February 12, 2007, in the nature of a motion to reconsider my orders dismissing this appeal for having failed to file a pre-hearing statement, first on January 9, 2007 (dismissal without prejudice), and then on February 6, 2007 (dismissal with prejudice).

The failure to file a pre-hearing statement may be excused if "good cause is shown for that failure." CSR 19-44 B. 1. As cause, the Appellant here cites two reasons for her failure to file her pre-hearing statement: the recent blizzards in the Denver metro area and her subsequent illness as causing her to receive late notice of my orders. I find the Appellant has not stated good cause for either reason. First, my Order to Show Cause was mailed to the Appellant at her last-known home address as well as to her representative, so that even if the Appellant were absent from work for an extended time due either to weather, illness, or both, she should have received timely notice either personally or through her representative. Second, neither the Appellant nor her representative filed a timely motion to extend the time for filing her pre-hearing statement. Third, the Appellant does not indicate the nature of her illness, nor if it was so totally disabling as to cause her to be completely unavailable to respond to my Order to Show Cause since January 3, 2007. Fourth, even if the Appellant were unavailable, her representative did not notify the Hearings Office of the same, and did not seek an extension of time to respond to my Order to Show Cause. Fifth, once I issued my order dismissing this appeal on January 9, 2007, neither the Appellant nor her representative sought a timely reconsideration of the dismissal. Sixth, the Appellant still has not filed a pre-hearing statement.

For these reasons I find the Appellant fails to show good cause for me to reconsider my Order Dismissing Appeal with Prejudice. Therefore I DENY her motion. This is a final Order, not subject to reconsideration. Any further request by the Appellant to act upon this case must be by way of timely appeal as indicated below.

Done this 12th day of February, 2007.



Bruce A. Plotkin
Hearing Officer
Career Service Board

NOTICE OF RIGHT TO FILE PETITION FOR REVIEW

A party may petition the Career Service Board for review of this decision in accordance with the requirements of CSR § 19-60 and what follows, within fifteen calendar days after the date of mailing of the Hearing Officer's decision, as stated in the certificate of mailing below. The Career Service Rules are available at [www.denvergov.org/csa/career service rules](http://www.denvergov.org/csa/career%20service%20rules).

All petitions for review must be filed by mail, hand delivery, or fax as follows:

BY MAIL OR PERSONAL DELIVERY:

Career Service Board
c/o Employee Relations
201 W. Colfax Avenue, Dept. 412
Denver CO 80202

BY FAX:

(720) 913-5720

Fax transmissions of more than ten pages will not be accepted.

CERTIFICATE OF MAILING

I hereby certify I have forwarded a correct copy of the foregoing **ORDER re APPELLANT'S MOTION TO RECONSIDER DISMISSAL OF APPEAL**, y depositing it in the U.S. mail, postage prepaid, on February 13, 2007, addressed to:

Mr. Ed Modecker
Teamsters Union
10 Lakeside Lane 2-D
Denver, CO 80103

Ms. Connie L. Ray
P.O. Box 517
Byers, CO 80103

I further certify I have forwarded a correct copy of the foregoing **ORDER re APPELLANT'S MOTION TO RECONSIDER DISMISSAL OF APPEAL**, by depositing it in interoffice mail on February 13, 2007.

Robert A. Wolf, Assistant City Attorney
City Attorney's Office
Litigation Section
201 West Colfax Avenue Dept. 1108
Denver, CO 80202

