

CAREER SERVICE BOARD, CITY AND COUNTY OF DENVER, STATE OF COLORADO

Appeal No. 127-08 A.

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**FINDINGS AND ORDER RE: MOTION TO RECONSIDER**

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IN THE MATTER OF THE APPEAL OF:

**THOMAS CULLEN,**

Appellant/Petitioner,

vs.

**DENVER SHERIFF'S DEPARTMENT, DEPARTMENT OF SAFETY,** Agency, and the  
City and County of Denver, a municipal corporation,

Agency/Respondent.

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This matter is before the Career Service Board on Appellant's Motion to Reconsider the Board's Order of June 1, 2009, dismissing his Petition for Review. Appellant's Motion to Reconsider is **DENIED** on the grounds outlined below.

**FINDINGS**

CSR 19-62 expressly provides that a petition for review shall be filed with the Career Service Board at the Personnel Director's office within fifteen days after the date of mailing of the Hearing Officer's decision. In this case, the fifteenth day was April 28, 2009. Appellant filed his petition for review by sending an email to the Career Service Hearing Office on April 28, 2009, at 5:06 p.m. In our Findings and Order dated June 1, 2009, we dismissed Appellant's petition because it did not meet the jurisdictional filing requirements of CSR 19-62.

Although Appellant has now filed a motion to reconsider, there is no provision in the career service rules that authorizes the Board to reconsider an appeal that has been dismissed. However, the Board will offer further clarification of its June 1, 2009, Findings and Order.

Appellant states that in the past his counsel has filed Board documents at the Hearing Office and has used the Hearing Office staff as intermediaries to forward those documents to the Personnel Director's office on his behalf. While either party in a career service appeal is free to use an intermediary in this manner, a party does so at his own risk. Because Appellant filed his petition for review after the Hearing Office closed at 5:00 p.m. on April 28<sup>th</sup>, the Hearing Office

staff did not forward his petition to the Personnel Director's office until the following day – April 29<sup>th</sup> – outside the fifteen day appeal period.

**ORDER**

**IT IS THEREFORE ORDERED** that Appellant's Motion to Reconsider is **DENIED**.

SO ORDERED by the Board on June 18, 2009, and documented this  
23rd day of June, 2009.

BY THE BOARD:

  
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Luis Toro, Co-Chair

Board Members Concurring:

Tom Bonner  
Felicity O'Herron  
Patti Klinge

Nita Henry did not participate in the Board's decision.

**CERTIFICATE OF DELIVERY**

I certify that I delivered a copy of the foregoing **FINDINGS AND ORDER RE: MOTION TO RECONSIDER** on June 23, 2009, in the manner indicated below, to the following:

Jeff Town, Esq. [jtown@elkusandsisson.com](mailto:jtown@elkusandsisson.com) (via email)  
Counsel for Appellant

Robert A. Wolf [dlefilng.litigation@denvergov.org](mailto:dlefilng.litigation@denvergov.org) (via email)  
Asst. City Attorney

Career Service Hearing Office [CSAHearings@denvergov.org](mailto:CSAHearings@denvergov.org) (via email)

  
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