

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

CAREER SERVICE
HEARING OFFICE

Appeal No. 14-07

DEC 20 2007

FINDINGS AND ORDER

RECEIVED

IN THE MATTER OF THE APPEAL OF:

DANIEL HILL,

Appellant/Petitioner,

vs.

DENVER INTERNATIONAL AIRPORT,
and the City and County of Denver, a municipal corporation,

Agency/Respondent.

This matter is before the Career Service Board ("Board") on Appellant's Petition for Review. The Board has reviewed and considered the record before it and **AFFIRMS** the Hearing Officer's Decision dated June 8, 2007, on the grounds outlined below.

I. FINDINGS

Appellant was dismissed from his employment at Denver International Airport on April 1, 2007, for violations of career service rules relating to misconduct for tardiness, sleeping while on duty, unauthorized breaks and failure to follow the orders of his supervisor. A career service hearing was held on June 1, 2007. The Agency called as witnesses the Appellant, Brian Vallee, Ron Lotman, Porfino Olguin, and Ron Morin, and offered twelve exhibits as evidence. Appellant relied solely on his own testimony and offered no exhibits. Following the hearing, the Hearing Officer affirmed the dismissal.

On appeal to the Board, Appellant claims there is insufficient evidence to support the Hearing Officer's findings. However, pursuant to CSR 19-61 D., the Board may only reverse a decision on this ground if the Hearing Officer's decision is clearly erroneous.

The Hearing Officer's finding that Appellant was sleeping on duty on four separate occasions was based on the testimony of Mr. Lotman, Mr. Vallee, and Mr. Olguin, who observed Appellant's truck parked in out-of-the-way locations, his head leaning on the window, eyes closed and motionless, with his feet propped up across the seat. Further, Mr. Olguin testified that he gave Appellant a direct order on January 22,

2007, to stop his practice of driving to the maintenance center, logging in, then parking his car in the employee lot, yet Appellant did so again on February 13, supporting the Hearing Officer's finding that Appellant failed to comply with the lawful orders of an authorized supervisor. Exhibits 2 and 7 as well as the testimony of Mr. Morin supported the Hearing Officer's finding that Appellant failed to observe department regulations by nine unexcused late arrivals on special operations snow days.

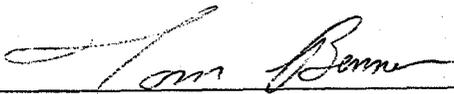
Appellant did not request a transcript of the hearing and designated only portions of the twelve exhibits admitted at the hearing. Based on the partial record presented on appeal, the Board cannot find that the Hearing Officer's Decision is clearly erroneous.

II. ORDER

IT IS THEREFORE ORDERED that Appellant's Petition for Review is **DENIED**, and the Hearing Officer's Decision of June 8, 2007, affirming the Agency's dismissal of employment is **AFFIRMED**.

SO ORDERED by the Board on December 6, 2007, and documented this
20th day of December, 2007.

BY THE BOARD:



Co-Chair Tom Bonner

Board Members Concurring:

Kit Williams
Nita Henry
Luis Toro