

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

Appeal No. 26-12A

FINDINGS AND ORDER

IN THE MATTER OF THE APPEAL OF:

DONNA LAWRENCE,
Appellant,

vs.

DEPARTMENT OF AVIATION,
And the City and County of Denver, a municipal corporation,
Agency.

This matter comes before us on the Agency's motion to dismiss this appeal for Petitioner's failure to file an opening brief.

The Agency's attorney alleges that it never received a timely opening brief from the Petitioner. Our own records indicate that Petitioner failed to file with us an opening brief in a timely fashion. Consequently, we could properly dismiss this appeal on the grounds that Petitioner failed to file an opening brief in a timely fashion. We decline to do so.

Petitioner alleges she did file a brief several weeks before the filing deadline, but offers no explanation as to why neither the City Attorney, nor the Board, received that early filing. In the alternative, Petitioner urges us to accept her Petition for Review as a timely filed brief, since the contents of the two, according to Petitioner, are essentially the same.

Briefs are required by our rules. As noted above, we received no timely brief from Petitioner. Nonetheless, we have considered the Petition for Review as Petitioner's brief, as requested by Petitioner. Our review of the Petition for Review offers no justification for reversing the decision of the Hearing Officer. We adopt the findings and conclusions of the Hearing Officer as our own.

The Hearing Officer's decision is hereby **AFFIRMED**.

SO ORDERED by the Board on September 6, 2012, and documented this 20th day of September, 2012.

BY THE BOARD:


Chair (or Co-Chair)

Board Members Concurring:

Patti Kluge

Derrick Fuller

Michelle Lucero

CERTIFICATE OF DELIVERY

I certify that I delivered a copy of the foregoing **FINDINGS AND ORDER** on September 20, 2012, in the manner indicated below, to the following:

David J. Furtado, Esq.

via email: dfurtado@furtadolaw.com

HR Services

via email: HR.Services@denver.org

Career Service Hearing Office

via email: CSAhearings@denvergov.org

