

ORDER DISMISSING APPEAL WITH PREJUDICE

IN THE MATTER OF THE APPEAL OF:

JERI L. LONG,
Appellant,

vs.

DENVER HEALTH AND HOSPITAL AUTHORITY,
and the City and County of Denver, a municipal corporation, Agency.

On June 10, 2008, at 4:45 p.m. the Appellant sent an email to the Hearings Office in which she states she is withdrawing her appeal. The email also states, incongruously, that she does not "forego my right to pursue this matter in the future either through the Hearing Office, the judicial system or both, as is allowable by Colorado law."

The Appellant was advised by my Order issued on June 10, 2008, that a withdrawal of her appeal would result in this case being dismissed with prejudice. I further explained a dismissal with prejudice means the Appellant will NOT have a future right to contest the matters in this case. Finally, due to the uncertainty of the Appellant's notice, I advised her to appear as scheduled for hearing to state her intent and to be advised accordingly.

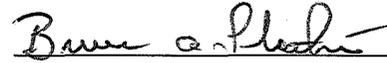
At 10:03 p.m. on June 10, the Appellant sent a final email to the Hearings Office in which she stated she (1) does not withdraw her appeal; (2) asks for a continuance to retain legal counsel. I deem the Appellant's filing to be a motion to continue.

A motion to continue must be justified by good cause. Career Service Rule 19-42 C. As cause, the Appellant states she has been through much turmoil in recent months, in apparent reference to her earlier filings concerning this appeal, which addressed the dismissal of her husband in a related case, and the recent death of a family member.

Regardless of fault or wrongdoing, the hearing process can be intimidating, particularly when an appellant representing himself or herself navigates the many deadlines and requirements inherent in the hearing process. When adding to that intimidating process, the trauma from the loss of work, loss of wages and all the consequential burdens that derive from those losses, the prospect of preparing a case, being subject to cross examination, and doing so in a public forum may feel like an overwhelming task. Therefore, when I consider a request from an unrepresented appellant, I do so fully aware of these difficulties. The Agency in this case has been very accommodating to the Appellant's difficulties and has not objected to her several requests for continuances. Now, however, the Agency objects as it has occurred significant cost in preparing and re-preparing for hearing each time.

The Appellant has been fully advised concerning the consequences of her failure to appear at hearing. Her reasons for requesting a fourth continuance, while understandable, fail to state good cause due to (1) her failure to secure counsel when given the opportunity twice previously, (2) her exceedingly late request, and (3) the prejudicial burden placed upon the Agency by the Appellant's excessive delays. For these reasons, I DENY the Appellant's request to continue. I further find her failure to appear at hearing on June 11, 2008 constitutes a withdrawal of appeal. Thus, this appeal is now DISMISSED WITH PREJUDICE. The Appellant may not file another request to reset hearing in this matter, but may appeal this final decision as described below.

Done June 10, 2008.



Bruce A. Plotkin
Career Service Hearing Officer

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 *et seq.* 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:

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

BY PERSONAL DELIVERY:

Career Service Board
c/o Career Service Hearing Office
201 W. Colfax Avenue, First Floor
Denver CO 80202

BY FAX:

(720) 913-5995

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