

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

Appeal No. 43-04

ORDER OF DISMISSAL

IN THE MATTER OF THE APPEAL OF:

CHRISTINE M. SCARDINA,
Appellant,

vs.

AGENCY FOR HUMAN RIGHTS AND COMMUNITY RELATIONS,
Agency, and the City and County of Denver, a municipal corporation.

This matter comes before the Hearing Officer on the Agency's Motion to Dismiss. Appellant has not filed a response to the motion. Upon consideration of the motion, supporting authority and the pleadings in this appeal, the Hearing Officer makes the following findings and order herein:

1. This is an appeal of a hiring interview on March 11, 2004. The relief requested is a "complete review of process used by Agency; assessment of successful candidate's qualification; possible rules changes regarding interview process." The appeal also raises discrimination on the bases of race, color, national origin and sexual orientation. [Appeal dated March 19, 2004.] Appellant's Pre-hearing Statement further specifies the nature of the process changes Appellant requests as remedies in this appeal. The Pre-hearing Statement also lists as issues various political and policy matters regarding the hiring process.

2. The Agency asserts in its Motion to Dismiss that the appeal should be dismissed because the Hearing Officer lacks jurisdiction over an appeal that fails to state a remedy on which relief can be granted.

3. Appellant has not contested the Motion to Dismiss, which was properly served by mail at the address Appellant has used throughout these proceedings. Appellant has not filed a response to any of the seven motions filed by the Agency directed to witness testimony.

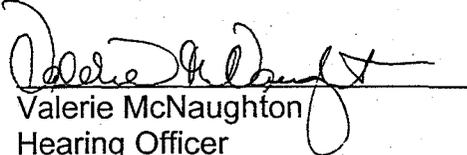
4. The jurisdiction of the Hearing Office is limited to the affirmance, modification or reversal of an administrative action set forth in CSR 19-10. [C.R.S. §§ 19-10; 19-27; In re: Henry V. Good, Appeal No. 164-02, Order of Dismissal dated Dec. 9, 2002, p. 8.]

5. The Hearing Office is an administrative forum with only the jurisdiction conferred in its enabling ordinance and rules. 2 Am. Jur. 2d Administrative Law § 282. It has no general jurisdiction or powers in equity to order the Agency to implement the measures requested by Appellant in this appeal. Admiral-Merchants Motor Freight, Inc. v. United States, 321 F.Supp. 353 (D. Colo. 1971).

6. Since the appeal and pleadings fail to establish that the Hearing Office has authority to order the procedural and policy changes Appellant requests as relief herein, the Hearing Officer lacks jurisdiction over this appeal.

WHEREFORE, the appeal is dismissed. The hearing now set for Monday, September 27, 2004 is vacated.

Dated this 23rd day of
September, 2004


Valerie McNaughton
Hearing Officer
Career Service Board

CERTIFICATE OF MAILING

I hereby certify that I have forwarded a true and correct copy of the foregoing **ORDER** by depositing same in the U.S. mail, postage prepaid, this 23rd day of September, 2004, addressed to:

Christine M. Scardina
2218 Perry Street
Denver, Co 80212

I further certify that I have forwarded a true and correct copy of the foregoing **ORDER** by depositing same in the interoffice mail, this 23rd day of September, 2004, addressed to:

Christopher M.A. Lujan
City Attorney's Office
Employment Law Section

