

## Annual Report of State Personnel Board to the Governor

Pursuant to State Employee Protection Act, § 24-50.5-107, C.R.S.  
 July 1, 2007, through June 30, 2008

### FY 04 Cases<sup>1</sup>

**Timothy Bennett v. Department of Corrections, Colorado Territorial Correctional Facility, 2003B150, 2004G052 [2003B0150(C)] – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- The State Personnel Board (Board) remanded the matter to the Administrative Law Judge (ALJ) on two issues: the amount of attorney fees to be awarded to Complainant for litigating the abolishment of his position and the amount of the disciplinary reduction of his base pay.
- After remand, and upon appeal of that remand order to the Board, the Board then issued an order adopting the findings of fact, including the supplemental findings of fact; the conclusions of law, including the calculation of hours awardable to Complainant's attorney, as amended on remand to 127 hours by the Board (and agreed to by the parties), and the assessment of a total of \$4,000.00, as a disciplinary pay reduction against Complainant's base salary; and the ALJ's order on remand, as modified.
- Complainant filed his Notice of Appeal at the Court of Appeals on June 14, 2007.
- Oral argument is scheduled for August 18, 2008, in the Court of Appeals.

### FY 06 Cases<sup>2</sup>

**Edward L. Donaldson v. Department of Public Safety, Colorado State Patrol, 2006B026, 2006B051 [2006B051(C)] – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On May 16, 2007, the ALJ issued an Initial Decision, concluding that Complainant committed some of the acts for which he was disciplined, including failing to give status checks during his first day on the dayshift; leaving his assigned work area for forty-one minutes to go to the State Personnel Board and changing out of his uniform shirt to complete the errand; refusing to answer and leaving his supervisor's office, which constituted insubordination; making allegations of discrimination in the form of a written report against a coworker, as directed by his supervisor; and failing to return the fitness-to-return to work in a timely manner. However, the ALJ also found that Respondent's actions were arbitrary, capricious, or contrary to rule or law. The ALJ held that issuing a corrective action to Complainant for the contents of his discrimination report when he had been ordered by his supervisor to prepare that report would have a chilling effect on future reports. The ALJ further found that the corrective action and two disciplinary actions were not within the range of reasonable alternatives, were imposed without consideration of mitigating circumstances, or were too severe. Although no attorney fees were awarded, the ALJ modified Respondent's actions to rescind the corrective action and the five-day suspension, imposing an alternate disciplinary action of a one-day suspension; to rescind the termination, imposing an alternate disciplinary action on Complainant of a thirty-day suspension; and to award Complainant back pay and benefits to the date of reinstatement.

<sup>1</sup> This matter remained open or reached resolution before the Board during FY 08; see previous reports.

<sup>2</sup> This matter remained open or reached resolution before the Board during FY 08; see previous reports.

- Respondent filed an appeal to the Board of the Initial Decision of the Administrative Law Judge. The matter was scheduled for Board review on October 16, 2007.
- By order dated October 27, 2007, the Board adopted the ALJ's Findings of Fact numbers 1 ("Complainant committed some of the acts for which he was disciplined") and 4 ("Attorney fees are not warranted"). The Board also modified or reversed Conclusions of Law numbers 2 ("Respondent's actions were arbitrary, capricious, or contrary to rule or law") and 3 ("The corrective action and two disciplinary actions imposed were not within the range of reasonable alternatives"), as follows. The Board found that Respondent's actions were arbitrary, capricious, or contrary to rule or law with respect to the September 2005 corrective action and the December 13, 2005 disciplinary action, as the discipline imposed by the appointing authority was not within the range of reasonable alternatives. The Board adopted the rescission of the September 2005 corrective action and the modification of the December 13, 2005 disciplinary action from five days to one day. In addition, the Board concluded that Respondent's actions were not arbitrary, capricious, or contrary to rule or law with respect to the February 15, 2006 disciplinary termination and the discipline imposed was within the range of reasonable alternatives. Thus, the Board affirmed the disciplinary termination and reversed the portion of the Initial Decision of the Administrative Law Judge, Conclusions of Law numbers 2 and 3, relating to the disciplinary termination.
- Complainant filed his Notice of Appeal at the Court of Appeals on December 5, 2007.
- The parties are currently briefing the matter in the Court of Appeals.

### FY 07 Cases<sup>3</sup>

#### **Joseph MacDonald v. Department of Transportation, 2007 B030 – *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- Complainant appealed his termination, alleging discrimination and retaliation for reporting safety violations and unsafe working conditions, in violation of the Whistleblower Act.
- On March 16, 2007, after hearing, the ALJ issued the Initial Decision of the Administrative Law Judge, determining that Complainant had refused to participate in temporary assignments to take snowplow training and to go to the Empire Junction Maintenance Yard to perform welding work on sanders located at that site because he believed that these orders are in violation of the terms of his 2003 Settlement Agreement. This case originally appeared before the Board as an appeal of a significant disciplinary sanction imposed in May of 2006 for the same actions, which Complainant had appealed to the Board. In September 2006, the ALJ in the earlier case issued a ruling which affirmed Respondent's interpretation of the 2003 Settlement Agreement and allowed the imposition of discipline for failure to perform the temporary assignments. Once the ALJ's order was issued, but prior to the Board's consideration of Complainant's appeal of that order, Respondent held a 6-10 meeting with Complainant and asked Complainant if he was going to accept the disputed assignments. Complainant told Respondent that he had appealed the order to the Board and that he believed the order was incorrect. Respondent terminated Complainant's employment based upon his refusal to comply with the ALJ's order. The ALJ in this current appeal held that termination of Complainant's employment for refusal to obey an ALJ order which was on appeal to the Board was an arbitrary and capricious act because Complainant has a right under the state Administrative Procedures Act to ask the Board for a final agency order and only a final agency order would be binding under these circumstances. Additionally, the ALJ in this case held that imposition of discipline under these unusual circumstances would constitute imposition of two instances of discipline for the same act, a violation of Board

<sup>3</sup> These matters remained open or reached resolution before the Board during FY 08; see previous reports.

Rule 6-8. Rescinding the termination, the ALJ ordered that Complainant be reinstated with back pay and benefits.

- Respondent appealed the Initial Decision of the Administrative Law Judge to the Board.
- On August 21, 2007, the Board adopted the Initial Decision of the Administrative Law Judge.
- The matter was before the Board at its October 16, 2007 meeting for consideration of Respondent's motion to stay the Board's August 21, 2007 order and Complainant's objection thereto. The Board denied Respondent's motion to stay at its October 16, 2007 meeting.
- Respondent filed its Notice of Appeal at the Court of Appeals on October 5, 2007.
- The matter settled, and the case was dismissed from the Court of Appeals on February 1, 2008, with the Mandate issuing on March 21, 2008.

**Annmarie Maynard v. Department of Healthcare Policy and Financing, 2007B073, 2007G050, 2008G043 [2007B073(C)] – *this matter has not yet gone to hearing on the allegation of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- Complainant's consolidated appeal includes a challenge to a corrective action, a demotion, a termination, and the agency's failure to correct harassment against her, alleging discrimination based on race/color/creed and sex and violations of the Whistleblower Act, consisting of retaliation for her reports of fiscal irregularities, including the fact that the state owed the federal government \$3,500,000 due to accounting errors and the state overcharged the federal government \$8 million.
- Following a No Probable Cause determination by CCRD, Complainant appealed that determination to the Board on April 30, 2008.
- A second No Probable Cause opinion was issued by CCRD on July 9, 2008.
- The case is set for hearing on September 16, 17, 18 and 23, 2008.

**Ava A. Scudder v. Department of Revenue, Division of Motor Vehicle, Driver License Section, 2007B103 – *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- Complainant appealed her termination, alleging retaliation for reporting employee mistakes and unethical procedures, in violation of the Whistleblower Act.
- The matter was set for hearing on November 28, 2007.
- On December 12, 2007, following settlement, the ALJ dismissed this matter.

**Jeff Anthony v. Department of Revenue, Division of Motor Vehicle, Driver License Administration, 2007G006 – *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- Complainant filed a petition for hearing following his termination during the probationary period, alleging discrimination based on race/color/creed, sex, and age, and retaliation for exposing abuse of authority, mismanagement, threats, inappropriate fines, and inadequate training in the Northglenn license office, in violation of the Whistleblower Act.
- The ALJ recommended to the Board that a hearing be denied, finding that Complainant had failed to allege facts satisfying the "disclosure" element of the Whistleblower Act and that without an identification of a disclosure of information, there also can be no nexus between Complainant's termination from employment and the disclosure of information, an essential element of a Whistleblower Act violation. The ALJ also found that given there were no disclosures of information identified by Complainant, Complainant has also failed to support the last essential element of a Whistleblower Act violation - that his disclosures were a

substantial and motivating factor in his termination. In summary, the ALJ concluded that on the record submitted by Complainant, there was insufficient information presented to establish an evidentiary and a legal basis to support the grant of a hearing on Complainant's Whistleblower claim.

- With regard to Complainant's allegations of discrimination, the ALJ determined that Complainant failed to present a *prima facie* case of discrimination based on race/color/creed, age, or sex, and, therefore, a Board hearing on those claims was not appropriate under C.R.S. § 24-50-125(5).
- The Board issued an order reversing the Preliminary Recommendation of the Administrative Law Judge and granting the petition for hearing.
- After the matter was set for hearing, the ALJ dismissed the case with prejudice, but did not award attorney fees and costs. The dismissal was based on the discretion afforded to the court by C.R.C.P. 37(b)(2) regarding Complainant's flagrant disregard of his discovery obligations, as a sanction for failing to obey the ALJ's order to the Complainant to attend his deposition.
- Complainant appealed the dismissal order to the Board.
- On July 17, 2007, the Board adopted the dismissal order.
- Complainant filed his Notice of Appeal of the dismissal order to the Court of Appeals on September 5, 2007.
- On June 19, 2008, the Court of Appeals issued its Order affirming the Board's dismissal order.

**John B. Pacheco v. Department of Corrections, Fremont Correctional Facility, 2007G044 – no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- Complainant filed a petition for hearing, alleging retaliation for providing written evidence to the United States Department of Labor in support of his complaint that DOC had violated his rights under the Fair Labor Standards Act, in violation of the Whistleblower Act, and discrimination based on national origin or ancestry.
- The ALJ issued a preliminary recommendation recommending that a hearing be granted, finding that a *prima facie* case of a whistleblower violation may have been established and that Complainant has sufficiently alleged a *prima facie* case of discrimination on the basis of national origin or ancestry as he has shown that he: (1) belongs to a racial minority group; (2) was qualified for the promotion; (3) was not promoted; and (4) that the position was filled with a non-minority applicant.
- The Board issued an order adopting the Preliminary Recommendation of the Administrative Law Judge and granting the petition for hearing on the issues of whistleblower retaliation and discrimination based on national origin or ancestry.
- The matter was set for evidentiary hearing, but that hearing was vacated pending settlement discussions.
- On January 29, 2008, following settlement, the ALJ dismissed this matter.

**Roberta Monchak v. Department of Corrections, Division of Adult Parole, Community Corrections and Youthful Offender System, 2007G066 - no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- Complainant filed a petition for hearing, alleging retaliation for disclosure of alleged mismanagement and fiscal improprieties since spring 2006, in violation of the Whistleblower Act.
- The ALJ issued an Order Staying Preliminary Review Pending Final Agency Grievance Decision.

- On October 23, 2007, following settlement, the ALJ dismissed this matter.

**Eric Gillespie v. Department of Labor and Employment, Division of Oil and Public Safety, 2007G072, 2007G081, 2007G096, 2008G012 [2007G096(C)] – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- Complainant filed multiple petitions for hearing, challenging his appointing authority’s decisions on his PDQ, the change in his working job title, and the changes in the nature of his specific duties and his authority to sign building permits, which he alleged were disciplinary actions. In his petitions for hearing, Complainant alleged retaliation for disclosures of information regarding agency action violating the public interest, in violation of the Whistleblower Act, including his disclosures about the inadequacy of management support for the public school inspection program, his objections to the way his job has been re-defined, and mismanagement of the finances of the division by using funds from the school building fund.
- On May 15, 2007, in case 2007G072, the ALJ dismissed Complainant’s petition on the grounds that Complainant had failed to respond to Respondent’s motion to dismiss his whistleblower complaint.
- On June 11, 2007, Complainant filed a second petition for hearing, alleging retaliation for numerous written and verbal disclosures made between November 2006 and the present regarding widespread mismanagement, in violation of the Whistleblower Act.
- The second whistleblower complaint was referred to the agency for a response.
- The cases were consolidated and, following a response to the whistleblower complaint by the agency, the matter was set for preliminary review.
- The ALJ recommended that a hearing be granted, finding that, among other things, the temporal proximity between Complainant’s disclosures and the start of adverse actions against Complainant supports Complainant’s contention that these punitive actions were taken on account of his disclosures to legislators and others about problems within the public school inspection program.
- The Board adopted that recommendation and the matter was set for hearing.
- On March 10, 2008, following settlement of all matters, the ALJ dismissed this matter.

#### **FY 08 Cases**

**David E. Schnabel and Christian Howells v. Regents of the University of Colorado at Colorado Springs, Office of the Vice Chancellor for Administration and Finance, 2008B019 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- Complainants filed an appeal of their terminations, alleging retaliation for disciplinary actions taken against them for performing duties assigned by DPA. Complainants alleged that professional exempt positions with delegated authority from DPA were improperly exempted from the personnel system, in violation of the Whistleblower Act.
- The ALJ issued an Order granting Respondent’s C.R.C.P. Rule 12(b) Motion to Dismiss Complaint on November 1, 2007.

**Jerry W. Betts v. Trustees of the State Colleges in Colorado, Mesa State College, 2008B025 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- Complainant appealed his two-day suspension, alleging unspecified whistleblower complaints or violations of the Whistleblower Act.
- The ALJ dismissed the whistleblower complaint on December 10, 2007.



- On June 19, 2008, the ALJ dismissed the remaining claim of an appeal of the two-day suspension.

**Raymond Cordova v. Department of Education, Colorado School for the Deaf and Blind, 2008B031 – *there has not yet been a determination regarding the allegation of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- Complainant appealed his disciplinary termination, alleging retaliation for disclosures about computers being disposed of by putting them in a dumpster; software being installed without licensing; a co-worker browsing porn sites, game sites, proxy servers and infecting his machine; and developing health issues from employment conditions, in violation of the Whistleblower Act.
- Complainant alleged discrimination based on race/color/creed, religion and "persecution by way of making working conditions unbearable, non support of IT department."
- On November 20, 2007, Complainant filed a Verification of Filing a Charge at the Colorado Civil Rights Division (CCRD).
- On July 11, 2008, CCRD issued its no probable cause opinion, and on July 22, 2008, the Board transmitted this finding to Complainant.

**Scott Horak v. Department of Natural Resources, 2008B042 – *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- Complainant filed an appeal of his administrative separation, alleging retaliation for reporting to supervisors that his chemical exposure to MMS-222 had adverse health side effects, a violation of the Whistleblower Act.
- The matter was set for hearing on April 8, 2008.
- On June 3, 2008, following settlement, the ALJ dismissed this matter.

**Gary Mason & Jeremy Van Zandt v. Department of Human Services, Colorado Mental Health Institute at Pueblo, 2008G017, 2008B046 [2008B046(C)] - *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- On August 24, 2007, Complainant Mason filed a petition for hearing, alleging retaliation in the form of a Memorandum of Expectation for the complaint he made concerning the promotional process for a Police Officer III position (2007G017), in violation of the Whistleblower Act.
- On November 30, 2007, Complainant Van Zandt appealed his corrective and disciplinary actions, alleging retaliation for the complaint he made concerning the promotional process for a Police Officer III position, in violation of the Whistleblower Act.
- On December 6, 2007, the ALJ issued a Preliminary Recommendation of the Administrative Law Judge in Mason’s case, recommending that a hearing be granted on the issue of whether the Memorandum of Expectation issued to Complainant was a violation of the Whistleblower Act, imposed on him in retaliation for his making disclosures regarding another employee’s selection for the Police Office III in violation of the Whistleblower Act.
- On December 20, 2007, the Board issued its order, adopting the Preliminary Recommendation in Mason’s case and granting the petition for hearing.
- On January 30, 2008, the matters were consolidated and set for hearing.
- On May 7, 2008, following settlement, the ALJ dismissed this matter.

**Howard J. Boff v. Department of Revenue, Enforcement Line of Business, 2008B049 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- Complainant filed a petition for hearing, alleging retaliation for a disclosure of acts of malfeasance and possible corruption by a co-worker. Complainant stated that allegations have been made against him of misconduct and harassment and he has been threatened with violence and possible termination, in violation of the Whistleblower Act.
- On May 28, 2008, following Complainant’s failure to file an information sheet, the ALJ dismissed this matter.
- On June 27, 2008, Complainant filed his Notice of Appeal.
- The matter is set for Board review on October 21, 2008.

**Laura Toth v. Department of Agriculture, 2008B056 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- Complainant filed an appeal of her disciplinary pay reduction, alleging retaliation because she disclosed an accounting error to her direct supervisor and reported to the general manager of the State Fair a double booking of revenue made by an employee, in violation of the Whistleblower Act.
- The matter was set for hearing on May 8, 2008.
- On July 9, 2008, following settlement, the ALJ dismissed this matter.

**Robert C. Sexton v. Department of Revenue, Enforcement Line of Business, 2008B058 [2008B058(C)] – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- Complainant filed an appeal of his disciplinary suspension, alleging retaliation for a disclosure to his executive director, which raised his concerns regarding harassment and hostile work environment, but no investigation was conducted, in violation of the Whistleblower Act.
- Complainant filed a second appeal, and the matters were consolidated.
- On April 8, 2008, following settlement, the ALJ dismissed this matter.

**Karen Krasovec v. Department of Human Services, Division of Youth Corrections, Zebulon Pike Youth Service Center, 2008B087 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- Complainant filed an appeal of her disciplinary pay reduction, alleging retaliation for reporting inappropriate comments regarding sexual harassment, the fact that her co-worker became unwilling to communicate thereafter, and by 2008, Complainant was disciplined, in violation of the Whistleblower Act.
- On June 16, 2008, following Complainant’s resignation, the ALJ dismissed this matter.

**Kevin Strieter v. Community Colleges of Colorado, Colorado Community College System, 2008B091 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- Complainant filed an appeal of his termination, alleging retaliation for disclosure of information regarding the Mechanical Journal Voucher-Banner System, Delta Initiative, late fees, Alternative Banner directions and an overbilling issue, in violation of the Whistleblower Act.

- On June 26, 2008, the ALJ dismissed the matter with prejudice.

**Anita Khan v. Department of Transportation, Office of Financial Management and Budget, 2008B094** – *there has not yet been a determination regarding the allegation of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- Complainant filed an appeal of her termination, alleging retaliation for filing a grievance, regarding the disproportionate and exorbitant pay increase of 44% provided to a short term employee, due to favoritism, in violation of the Whistleblower Act.
- The matter is currently set for hearing on September 10, 2008.

**Paul Rodriguez v. Regents of the University of Colorado, University of Colorado at Denver, Information Technology Services, 2008B106** – *there has not yet been a determination regarding the allegation of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- Complainant filed an appeal of his demotion, alleging unspecified whistleblower retaliation.
- On June 30, 2008, the ALJ issued an order requesting additional information regarding the whistleblower allegations.
- On July 15, 2008, Complainant filed a whistleblower complaint and his response to the request for additional information.
- On July 17, 2008, the ALJ referred the matter to the agency for a response to the whistleblower allegations.

**Glenda L. Fisher v. Community Colleges of Colorado, Front Range Community College, 2008G018** - *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- Complainant filed a petition for hearing, challenging a final grievance decision upholding a corrective action and alleging retaliation for turning a supervisor in for cheating on her time sheets and stealing more than 99 hours of leave, in violation of the Whistleblower Act.
- On November 1, 2007, the ALJ dismissed the matter for lack of timeliness.

**Ivette T. Echenique v. Department of Human Services, 2008G023** - *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- Complainant filed a petition for hearing, alleging retaliation for disclosures including profanity, sexual content, offensive interaction with co-worker, security violations, etc., in violation of the Whistleblower Act.
- On October 16, 2007, the ALJ dismissed the matter for lack of subject matter jurisdiction.

**Judy Wilday-O’Neill v. Department of Human Services, Colorado State Veterans Home at Fitzsimons, 2008G065** - *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- Complainant filed a petition for hearing, challenging a final grievance decision which affirmed a corrective action and alleging retaliation for disclosures, in violation of the Whistleblower Act. Her disclosures reflected her concerns regarding serious patient care deficiencies and issues regarding violations of proper nursing practice which she discussed with the Human Resources Director over a period of weeks.



- The ALJ recommended to the Board that a hearing be denied, finding that Complainant has not made a *bona fide* protected disclosure because her only “disclosure” was a narration of an incident which led to her corrective action. Thus, Complainant’s allegations of Whistleblower Act violations are not sufficient to demonstrate that there is an evidentiary and legal basis that would support a finding that the action was arbitrary, capricious, or contrary to rule or law, and that the relief requested by Complainant is within the Board’s statutory authority.
- At its July 15, 2008 meeting, the Board adopted the Preliminary Recommendation of the Administrative Law Judge and denied the petition for hearing.

**Lynn Jackson v. Regents of the University of Colorado, University of Colorado at Boulder, Wardenburg Health Center, 2008G073 - *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- Complainant filed a petition for hearing, challenging her termination and alleging retaliation for disclosures to University Counsel that the Health Center was out of compliance with applicable provisions of HIPAA during an investigation, in violation of the Whistleblower Act.
- On June 17, 2008, the ALJ dismissed the case because Complainant failed to respond to an order to show cause.

**Derek Wilson v. Regents of the University of Colorado, University of Colorado at Boulder, Center for Multicultural Affairs, 2008G075 - *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- Complainant filed a petition for hearing, challenging his evaluation and alleging retaliation for filing numerous complaints of harassment and discrimination with Human Resources, and then receiving a rating of incompetent, in violation of the Whistleblower Act.
- On June 27, 2008, the ALJ dismissed the whistleblower allegation, and the matter was set for preliminary review.
- On July 14, 2008, the ALJ granted Complainant’s request for an extension of time to file a charge of discrimination with CCRD.

**Donald Staley v. Regents of the University of Colorado, Division of Facilities Management, 2008G078 - *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- Complainant filed a petition for hearing, alleging retaliation for his disclosures of mismanagement and waste of public funds, in violation of the Whistleblower Act.
- Complainant resigned prior to filing his petition for hearing. Therefore, the ALJ issued an order to show cause as to why this matter should not be dismissed for lack of jurisdiction.
- On July 14, 2008, the ALJ dismissed the matter.

**Judy Wilday-O’Neill v. Department of Human Services, Colorado State Veterans Home at Fitzsimons, 2008G079 – *there has not yet been a determination regarding the allegation of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- Complainant filed a petition for hearing, challenging a charge against her of a HIPAA violation and again alleging retaliation for disclosures about her concerns regarding higher authorities’ criminal activities, patient care and nursing practice deficiencies, assault and abuse, medication errors, infection control and other relating issues of deficiencies

constituting risk and danger to the facility, patients and residents, in violation of the Whistleblower Act.

- Following Complainant's filing of a second petition for hearing, the ALJ consolidated the matters and referred the matter to the agency for a response to the whistleblower allegations on June 26, 2008.

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