

Annual Report of State Personnel Board to the Governor

**Pursuant to State Employee Protection Act, § 24-50.5-107, C.R.S.
July 1, 2010, through June 30, 2011**

FY 09 Cases¹

John Redding v. Department of Natural Resources, Division of Water Resources, 2009G069(C), 2010B015(C) [2010B015(C)] – *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 regarding a final grievance decision, alleging retaliation for disclosures pertaining to a supervisor's receipt of gifts from consultants whose dam construction designs would get approved, conflicts of interest, safety of citizens who lived below the high hazard dams, and supervisor-imposed work conditions, in violation of the Whistleblower Act.
- On June 3, 2009, the ALJ issued the Preliminary Recommendation of the Administrative Law Judge recommending that the petition for hearing be granted, finding: (1) Complainant's asserted retaliatory actions listed in his information sheet constitute an alleged pattern of reprimands, admonishments, withholding of work, the threat of a less than stellar work history, and an unsatisfactory performance evaluation without any prior notice or coaching; (2) the information in the record does establish at this preliminary stage that Complainant's protected disclosures were substantial or motivating factor in the subsequent adverse actions taken against Complainant; and (3) Complainant's information warrants a hearing on his Whistleblower allegations.
- On June 16, 2009, the Board adopted the Preliminary Recommendation of the ALJ, granting the petition for hearing.
- The matter was set for hearing on September 15, 2009.
- On July 17, 2009, the ALJ vacated the hearing setting due to consolidation with another case and referred the matter to CCRD based on Complainant's charges of discrimination.
- Following Complainant's waiver of an investigation by CCRD, on August 5, 2010, Complainant filed another appeal due to his termination of employment.
- After hearing on February 23, 24, and 25 and March 2, 2010, the ALJ issued the Initial Decision of the ALJ on April 27, 2010, concluding that Complainant committed the acts upon which the termination was based; Respondent's termination decision was not arbitrary, capricious or contrary to rule or law; Respondent did not violate the Colorado State Employee Protection Act; Respondent's termination decision was within the range of reasonable alternatives; and Complainant is not entitled to an award of attorney fees and costs. The ALJ dismissed Complainant's appeal with prejudice.
- On May 27, 2010, Complainant filed an appeal of the Initial Decision of the ALJ.
- On September 23, 2010, the Board issued its order adopting the Initial Decision of the ALJ.
- On October 4, 2010, Complainant filed a Notice of Appeal and Designation of Record at the Court of Appeals. The parties are currently briefing the matter.

¹ This matter remained open during FY 11; see previous reports.

FY 10 Cases²

John Vidor v. Department of Corrections, Division of Adult Parole, Community Corrections and YOS, 2010B027 – *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On August 31, 2009, Complainant filed an appeal of his termination of employment, alleging discrimination based on age and national origin/ancestry and retaliation for informing his supervisor that his actions were illegal, in violation of the Whistleblower Act.
- After hearing on April 27, 29, 29, and May 4, 2010, the ALJ issued the Initial Decision of the ALJ on June 21, 2010, concluding that Complainant committed the acts for which he was disciplined; Respondent’s action was arbitrary, capricious or contrary to rule or law; the discipline imposed was within the range of reasonable alternatives; Respondent did not discriminate against Complainant or violate the Colorado State Employee Protection Act; Respondent’s delegation of appointing authority was appropriate. Affirming Respondent, the ALJ ruled that Complainant is not entitled to reinstatement, but is entitled to full back pay and benefits from the date of his termination until the last day of his evidentiary hearing, as well as an award of attorney fees and costs.
- On July 21, 2010, Respondent filed its Notice of Appeal of the Initial Decision, and Complainant filed his Notice of Cross Appeal of the Initial Decision.
- On November 18, 2010, the Board issued its order adopting the Findings of Fact, and Conclusions of Law 1-6 in the Initial Decision of the Administrative Law Judge; and reversing Conclusion of Law 7 (“Attorney fees are warranted”) on the basis that, pursuant to § 24-50-125.5, C.R.S. and Board Rule 8-38, 4 CCR 801, an award of attorney fees is warranted, in part, only if the personnel action from which the proceeding arose was frivolous or groundless. The Board found that, based upon the findings of fact in the Initial Decision, Respondent’s violation of Board Rule 6-10 does rise to the level of a “personnel action” as set forth in the statute. However, assuming such violation of Rule 6-10 does constitute a “personnel action,” it does not rise to the level of being frivolous or groundless. Therefore, an award of attorney fees is not warranted; and based upon Respondent’s violation of Board Rule 6-10, the Administrative Law Judge’s Order is modified to award statutory interest to Complainant in addition to back pay and benefits from the date of his termination, August 9, 2009, to the last day of hearing, May 6, 2010.
- On January 10, 2011, Complainant filed his Notice of Appeal to Court of Appeals.
- On January 13, 2011, Complainant filed his Designation of Record at the Court of Appeals.
- On April 12, 2011, the Board received the parties’ Stipulated Motion to Dismiss Pursuant to C.A.R. 42.
- On May 16, 2011, the Court of Appeals issued its Dismissal Order and Mandate.

John Conte v. Department of Natural Resources, Division of Water Resources, 2010B028, 2010G012 [2010B028(C)] - *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On August 6, 2009, Complainant filed a petition for hearing, alleging discrimination based on race and religion and retaliation for his disclosures to management of product and contract improprieties, in violation of the Whistleblower Act.
- On September 9, 2009, Complainant filed an appeal of his disciplinary termination, again alleging discrimination based on race and religion and retaliation for his disclosures to management of product and contract improprieties, in violation of the Whistleblower Act.

² These matters remained open or were resolved during FY 11; see previous reports.

- On April 19, 2010, CCRD issued a no probable cause opinion after Complainant filed a charge of discrimination and requested a CCRD investigation.
- The matter was set for hearing on August 3, 2010; however, the ALJ issued a stay of the proceedings on June 11, 2010, due to pending settlement.
- On August 9, 2010, the ALJ dismissed the matter with prejudice, issuing an Order Granting the Stipulation for Dismissal.

Curtis Lee Medina v. Department of Human Services, Division of Youth Corrections, Platte Valley Youth Service Center, 2010B059 – *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On November 23, 2009, Complainant filed an appeal of his disciplinary termination for violation of sexual harassment, work place violence, employee civil rights and code of conduct. He alleged retaliation for his disclosures to management about misuse of the time clock, in violation of the Whistleblower Act.
- After hearing on July 27 and 28, and August 10, 2010, the ALJ issued the Initial Decision of the ALJ on October 12, 2010, determining that Complainant committed the acts for which he was disciplined and failed to show that he was the victim of a well-organized campaign of lies against him brought about by subordinates who were retaliating for Complainant’s actions in holding them accountable for their misdeeds. The ALJ found Complainant’s denial of engaging in certain acts not credible, and determined that he sent numerous sexually explicit videos and photos to subordinates and displayed sexually explicit materials on his cell phone for subordinates while he was at work; placed a dog chain around a subordinate’s neck and tightened it to a degree that caused the employee to be concerned about his breathing; knocked another subordinate off his feet and into a wall while he was angry; and committed other repeated acts of misconduct, including using profane and insulting language to refer to subordinates and acts of harassment based upon the subordinate employees’ race, ethnicity, or sex. Affirming the disciplinary termination, the ALJ concluded that Respondent’s action was not arbitrary, capricious, or contrary to rule or law; the discipline imposed was within the range of reasonable alternatives; and attorney fees are not warranted. There was no finding of a violation of the Whistleblower Act.
- Complainant did not appeal the Initial Decision of the ALJ.

NOTICE OF VIOLATION OF THE STATE EMPLOYEE PROTECTION (WHISTLEBLOWER) ACT:

Ronda Katzenmeyer v. Department of Corrections, Clinical Services, 2010G005 – *finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On July 20, 2009, Complainant filed a Whistleblower Complaint regarding disclosures of abusive treatment of an inmate, in violation of the Whistleblower Act.
- On November 3, 2009, the ALJ issued the Preliminary Recommendation of the Administrative Law Judge, recommending that a hearing be granted.
- On November 23, 2009, the Board issued its order granting the petition for hearing.
- After hearing on September 8, 9, 15, and 16, and closing of the record on October 1, 2010, the ALJ issued the Initial Decision of the ALJ on November 15, 2010, determining that Complainant engaged in protected conduct under the Act by filing an incident report regarding potential inmate abuse and participating in the fact-finding process. The ALJ also found that Complainant did not timely appeal her assignment to the Parole position in Pueblo; therefore, the Board lacks jurisdiction over that claim. Finally, the ALJ concluded that Respondent’s referral of criminal charges for prosecution against Complainant

constitutes a form of penalty covered under the Whistleblower Act, and Complainant is entitled to the remedies mandated by the Act. The ALJ ordered Respondent to reimburse Complainant for any costs, including all court costs and attorney fees incurred in the proceeding before the Board and in the criminal trial held in April 2010; to expunge Complainant's personnel file and all other DOC files of all documents relating to the criminal investigation and prosecution of Complainant; and to restore any service credit as Health Services Administrator that she may have lost since her June 11, 2009 placement on administrative leave.

- On December 6, 2010, Respondent filed its Designation of Record at the Board.
- On December 15, 2010, Respondent filed its Notice of Appeal of the ALJ's Initial Decision.
- On April 26, 2011, the Board issued its order adopting the Initial Decision of the ALJ.
- On June 10, 2011, Respondent filed its Notice of Appeal and Designation of Record at the Court of Appeals.

Bryan L. Friberg, Sr. v. Regents of the University of Colorado at Boulder, 2010G065 – no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On March 19, 2010, Complainant filed a petition for hearing alleging discrimination based on veteran's status and retaliation for disclosures regarding waste and abuse of public funds and abuse of authority, in violation of the Whistleblower Act.
- On April 14, 2010, the ALJ issued her Order Dismissing Whistleblower Complaint; on May 11, 2010, the ALJ issued a Procedural Order and Order for Status Report, directing Respondent to file a status report no later than June 15, 2010, that explains the process the parties have arranged for handling the grievance, in view of Complainant's deployment for active military duty.
- On June 15, 2010, the University issued its Status Report, stating that it had sent Complainant an Amended Notice of Grievance by email, instructing him to contact his appointing authority no later than ten days after the first day of his return to work at the University following his overseas deployment to schedule a Step I grievance meeting.
- Complainant did not appeal the dismissal of the Whistleblower Complaint.

FY 11 Cases

Patricia Lewthwaite v. University of Colorado Denver, Addiction Research and Treatment Services, 2011B042 – no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On October 25, 2010, Complainant appealed the imposition of a pay reduction of \$279 per month for a year and filed a Whistleblower Complaint regarding disclosures of a client's treatment and her own subsequent treatment by the Addiction Research and Treatment Services (ARTS) management, alleging retaliation for her complaining in the form of disciplinary actions, in violation of the Whistleblower Act.
- After hearing on April 1, 2011, the ALJ found that Complainant had released confidential patient records without a valid release from the patient involved, and then had involved the patient in creating a back-dated release and not told her supervisors the truth about the release when interviewed about it. The ALJ affirmed the imposition of discipline as the type of serious and flagrant action warranting the imposition of immediate discipline under Board Rule 6-2, and affirmed the significant pay reduction as reasonable under the circumstances.
- Complainant did not appeal the Initial Decision of the ALJ.

Benito E. Serrato v. Department of Public Safety, Division of Fire Safety, 2011B047 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On November 1, 2010, Complainant filed an appeal of his termination and requested the right to file a Whistleblower Complaint at a later date.
- On November 5, 2010, the ALJ issued an Order denying Complainant’s request to file a Whistleblower Complaint at a later date.
- On March 2, 2011, the ALJ dismissed the matter with prejudice, issuing an Order Granting Complainant’s Uncontested Motion to Dismiss Appeal.

Arthur Robinson v. University of Colorado Denver, Information Technology Services, 2011B063 – 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.

- On December 29, 2010, Complainant filed an appeal of his disciplinary pay reduction, alleging discrimination based on race/color.
- On February 4, 2011, Complainant filed a Whistleblower Complaint alleging that he had been threatened with termination in retaliation for exercising his free speech with his supervisor and complaining of discrimination, in violation of the Whistleblower Act.
- This matter is set for hearing on July 29, 2011.

Greig Bellum v. Governor’s Office of Information Technology, 2011B067 – 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.

- On January 18, 2011, Complainant filed an appeal of his disciplinary demotion and salary reduction, alleging discrimination based on gender.
- On February 1 and March 11, 2011, Complainant filed a Whistleblower Complaint alleging that on December 15 and 29, 2010, and January 4, 2011, he disclosed multiple technology security breaches violating CDOT and state policies and that on January 6, 2011, he had been demoted in retaliation for his disclosures, in violation of the Whistleblower Act.
- This matter is set for hearing on September 15, 2011.

Patrick Bahl v. Colorado School of Mines, 2011B083 – 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.

- On April 12, 2011, Complainant filed an appeal of his disciplinary demotion and salary reduction.
- On April 29, 2011, Complainant filed a Whistleblower Complaint alleging that he and his fellow police officers drafted a No Confidence letter to the Chief of Police on April 14, 2009, that resulted in a pattern of retaliation against him, culminating in a disciplinary demotion on April 6, 2011, in violation of the Whistleblower Act.
- The matter is set for hearing on October 13, 2011.

Allen Bridgeforth v. Department of Labor and Employment, 2011G001 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On July 2, 2010, Complainant filed a petition for hearing regarding his termination during the probationary period, alleging discrimination based on retaliation, and a Whistleblower Complaint, alleging his employment was terminated, in violation of the State Employee

Protection Act because he opposed Respondent's discriminatory or unfair employment practices.

- On November 24, 2010, the ALJ issued the Preliminary Recommendation of the Administrative Law Judge, recommending that a hearing be denied.
- On December 23, 2010, the Board issued an Order Denying the Petition for Hearing and Referring the Matter to the Personnel Director.
- Complainant did not appeal the denial of a hearing.

Linda Monizad v. Department of Labor and Employment, 2011G012 – *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On August 23, 2010, Complainant filed a petition for hearing regarding her termination during the probationary period and alleged a whistleblower claim but no discrimination.
- On November 5, 2010, Complainant filed an amended petition for hearing regarding her termination during the probationary period, alleging discrimination based on retaliation, but did not allege a whistleblower claim.
- On February 3, 2011, the ALJ issued the Preliminary Recommendation of the Administrative Law Judge, recommending that a hearing be granted.
- On February 16, 2011, the Board issued an Order Granting the Petition for Hearing.
- The matter was set for hearing on May 5, 2011.
- The parties settled this matter, and on June 16, 2011, the ALJ issued an Order Granting Unopposed Motion to Dismiss.

Havilah Lilly v. Board of Trustee for Metropolitan State College of Denver, Cashier Office, 2011G022, 2011G031(C), 2011G086 [2011G031(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.*

- On October 18, 2010, Complainant filed a petition for hearing (2011G022) regarding a final grievance decision, alleging discrimination based on national origin/ancestry, and alleging a whistleblower claim.
- On November 1, 2010, Complainant filed a Whistleblower Complaint, alleging that her PDQ had not been upgraded in retaliation for her disclosures regarding multiple problems with MSC's handling of Title IV funds, in violation of the Whistleblower Act, and requested that she be allowed to withdraw her petition for hearing.
- On November 10, 2010, the ALJ issued an Order Granting Motion to Withdraw.
- On November 12, 2010, Complainant filed a second petition for hearing (2011G031) regarding MSC's refusal to upgrade her PDQ for promotion, alleging discrimination based on national origin/ancestry, and a Whistleblower Complaint, based on her disclosures as described in and subsequent to her original petition for hearing.
- On April 6, 2011, the ALJ issued the Preliminary Recommendation of the Administrative Law Judge, recommending that a hearing be granted.
- On April 13, 2011, Complainant filed another petition for hearing which was consolidated with the November 12, 2010 petition for hearing under 2011G031(C). This petition for hearing was called "notification of retaliation."
- On April 26, 2011, the Board issued an Order Granting the Petition for Hearing.
- On April 29, 2011, Complainant filed a petition for hearing (2011G086), which was consolidated with the November 12, 2010 petition for hearing under 2011G031(C). This petition for hearing was also called "notification of retaliation."
- This consolidated matter is currently set for hearing on August 10, 2011.

Richard Mignogna v. Department of Regulatory Agencies, Division of Registrations, 2011G040 – *it has not yet been determined as to whether or not a hearing will be held on the allegation of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On December 20, 2010, Complainant filed a petition for hearing regarding a final grievance decision, alleging that the decision violated his federal or state constitutional rights, and a Whistleblower Complaint, alleging that DORA engaged in a pattern of retaliation against him consisting of a corrective action, a violation of Complainant’s First Amendment rights to freedom of speech, and prevention of the release of documents that are in the public interest, in violation of the Whistleblower Act.
- On March 7, 2011, Complainant filed a second petition for hearing regarding a final grievance decision on a second corrective action, but no whistleblower claims.
- The matter is set for preliminary review and the parties have filed information sheets. The Board will review the recommendation of the ALJ as to whether or not to grant a hearing at its August 16, 2011 meeting.

Kathi Dean-Lee v. Department of Corrections, 2011G047 – *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.*

- On January 6, 2011, Complainant filed a petition for hearing regarding a grievance decision and a Whistleblower Complaint, alleging that she was given a performance document in retaliation for her disclosures of discrepancies and concerns about housing transactions, in violation of the Whistleblower Act.
- On June 8, 2011, the ALJ issued the Preliminary Recommendation of the Administrative Law Judge, recommending that a hearing be granted.
- On June 27, 2011, the Board issued an Order Granting the Petition for Hearing.
- The matter is set for hearing on September 21, 2011.

Mark L. Horvath v. Department of Labor and Employment, Unemployment Insurance Program, 2011G050 – *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On January 13, 2011, Complainant filed a petition for hearing regarding a grievance decision and a Whistleblower Complaint, alleging that the agency has been retaliating against him for asking questions about the possibility of layoff by ignoring his grievances and disciplining him, in violation of the State Employee Protection Act.
- Complainant never provided to the Board a copy of the corrective or disciplinary action he claimed was imposed upon him; nor did he file an information sheet.
- On March 23, 2011, the ALJ issued a Dismissal Order for Complainant’s failure to file an information sheet.

Christina Martinez v. Department of Human Services, Division of Youth Corrections, Platte Valley Youth Service Center, 2011G051 – *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On January 14, 2011, Complainant filed a petition for hearing regarding her termination during the probationary period, alleging retaliation for her disclosures that “could have made upper management look bad,” in violation of the Whistleblower Act.
- On July 13, 2011, the ALJ issued a Dismissal Order for Complainant’s failure to file an information sheet.

Joel Levitt v. Department of Labor and Employment, Unemployment Insurance Program, 2011G050 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On February 18, 2011, Complainant filed a petition for hearing regarding a grievance decision about a performance management dispute and checked the box for “Whistleblower” on the appeal form.
- Following Complainant’s failure to file a separate Whistleblower Complaint, on April 1, 2011, the ALJ dismissed the Whistleblower Complaint and referred the matter to the Personnel Director.

Tim Kosak v. Department of Transportation, 2011G065 – 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.

- On March 11, 2011, Complainant filed the first of a series of petitions for hearing regarding grievance decisions and Whistleblower Complaints, alleging that the agency has been retaliating against him for filing grievances, claiming discrimination under the Americans with Disability Act and agency violations of FMLA, in violation of the State Employee Protection Act.
- On March 14, 2011, Complainant filed a second petition for hearing regarding CDOT’s failure to provide accommodations under the ADA.
- On March 28, 2011, Complainant filed an appeal of a disciplinary action imposed for vandalizing state property and alleged a violation of the Whistleblower Act.
- On April 7, 2011, Complainant filed another petition for hearing, alleging discrimination based on disability, and a Whistleblower Complaint, alleging that the agency has continued to retaliate against him by giving him 2 random drug tests in 6 weeks, in violation of the Whistleblower Act.
- On May 3, 2011, Complainant filed a petition for hearing following his receipt of a Step II grievance decision.
- On June 14, 2011, Complainant filed a petition for hearing requesting the consolidation of three grievances for hearing purposes.
- Following consolidation of the grievances, the matter was referred to CCRD for investigation of the discrimination claims.
- On July 1, 2011, Complainant filed a Whistleblower Complaint regarding CDOT’s continuing harassment of him and its creation of a hostile work environment targeting his disability.
- On July 5, 2011, the matter was referred to the agency for a response to the Whistleblower Complaints.

Kevin Harvey v. Department of Human Services, Division of Youth Corrections, Marvin Foote Youth Service Center, 2011G070 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On March 11, 2011, Complainant filed the first of two of Whistleblower Complaints, alleging that the agency retaliated against him for disclosing violation of due process rights of residents and mismanagement of information technology (legal resident file records in Colorado TRAILS) by admonishing him and deleting his TRAILS entries, in violation of the Whistleblower Act.

- On April 11, 2011, Complainant filed a second Whistleblower Complaint, alleging that the agency was continuing to retaliate against him for his disclosures through admonitions and notations in his performance evaluation, in violation of the Whistleblower Act.
- After the matter was set for Preliminary Review, Complainant filed his Notice of Dismissal on June 17, 2011.
- On June 22, 2011, the ALJ dismissed the matter with prejudice.

Barbara Bloem v. Department of Health Care Policy & Financing, 2011G073 – *it has not yet been determined as to whether or not a hearing will be held on the allegation of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On March 28, 2011, Complainant filed a Whistleblower Complaint, alleging that the agency was withholding work from her and diminishing her job duties due to discrimination and retaliation based on disability, retaliating against her for reporting discrimination and for disclosing state department actions that are against public interest, in violation of the Whistleblower Act.
- The matter was set for Preliminary Review and the parties are in the process of filing information sheets.

Rick Dawson v. Department of Health Care Policy & Financing, 2011G085 - *it has not yet been determined as to whether or not a hearing will be held on the allegation of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May 2, 2011, Complainant filed a petition for hearing alleging that it had been 30 days since he filed a grievance with no response and that his federal and statutory constitutional right and the grievance process had been violated, and a Whistleblower Complaint, alleging that he had been admonished for filing Petitions for Declaratory Order with the Board, told not to assist coworkers with their grievances or personnel matters, and been given a low rating on his annual performance review, in violation of the Whistleblower Act.
- On June 28, 2011, the ALJ issued an Order Granting Motion to Dismiss Grievance Appeal as moot, preserving the Whistleblower Claim.
- The matter was set for Preliminary Review and the parties are in the process of filing information sheets.

William Anderson v. Department of Human Services, Division of Youth Corrections, Platte Valley Youth Service Center, 2011G051 – *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May 5, 2011, Complainant filed a petition for hearing regarding his termination during the probationary period, alleging discrimination based on disability, and alleging a violation of the Whistleblower Act.
- On May 11, 2011, Complainant filed an amended petition for hearing regarding his probationary termination, but did not allege discrimination or whistleblower claims.
- On May 26, 2011, Complainant withdrew his discrimination and whistleblower allegations, following a request for clarification from the ALJ.
- On July 5, 2011, the ALJ issued a dismissal order for Complainant’s failure to respond to a show cause order regarding the Board’s jurisdiction.