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**BEFORE THE PUBLIC SAFETY CIVIL SERVICE COMMISSION  
OF THE CITY OF SEATTLE**

**MARCIA T. KINDER,**  
Appellant,

vs.

**SEATTLE FIRE DEPARTMENT**

CITY OF SEATTLE  
Respondent

**POST - HEARING ORDER**

**PSCSC No. 07-005**

**I. INTRODUCTION**

On March 21, 2008, the Public Safety Civil Service Commission issued Findings of Fact, Conclusions of Law and Order after a full evidentiary hearing in this matter. On April 5, 2008, the Commission received an email from Appellant Marcia Kinder asking for reconsideration of the Commission based on "fraud, mistake and misunderstanding of facts."

PSCS Commission Rule 6.31 states as follows:

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**I. INTRODUCTION**

On March 21, 2008, the Public Safety Civil Service Commission issued Findings of Fact, Conclusions of Law and Order after a full evidentiary hearing in this matter. On April 5, 2008, the Commission received an email from Appellant Marcia Kinder asking for reconsideration of the Commission based on "fraud, mistake and misunderstanding of facts."

PSCS Commission Rule 6.31 states as follows:

1 "6.31 RECONSIDERATION. A party may move for reconsideration by  
2 the Commission only on the basis of fraud, mistake, or misconception of  
3 facts. Such motion must be filed with the Commission within ten (10)  
4 days of the decision of the Commission. Such motion for reconsideration  
5 shall be decided on affidavits, absent special showing that testimony is  
6 necessary."

7 In a letter to Appellant dated April 9, 2008, Ms. Kinder was asked to submit any  
8 affidavits or other documents in support of her motion to the Commission's office by April  
9 16, 2008. It further stated that any response from the Department would be due April 23,  
10 2008.

11 On April 14, 2008, Appellant e-mailed the Commission, and citing a disability,  
12 requested an extension of two days to provide the documentation in support of her  
13 reconsideration motion. On April 15, 2008, the extension was granted. On April 17, 2008,  
14 Appellant Kinder requested another extension, again citing a disability. On April 18, 2008,  
15 the Commission, through its Executive Director, granted the second extension request,  
16 allowing Appellant until April 24, 2008 to submit the documentation in support of her  
17 reconsideration motion.

18 On April 24, 2008, the Commission received an e-mail from Appellant Kinder  
19 requesting that she be able to provide testimony directly to the Commission in support of  
20 her request for reconsideration. The email read:

21 "The numerous examples of fraud, mistakes, and  
22 misconceptions in your Findings are too numerous and  
23 lose their meaning in type.

24 Therefore, I am requesting to give live testimony to  
the Commission to present my Appeal and Exhibits.

Attached are Declarations in support of this request."

1 The Commission Executive Director replied that same day in an e-mail to Appellant  
2 Kinder that there were no declarations or other documents attached. Appellant Kinder has  
3 not submitted any affidavits, declarations, or other documents in support of her motion as of  
4 the close of business on April 24, 2008.

## 5 6 II. ANALYSIS

7 Rule 6.31 unambiguously provides that motions for consideration are decided,  
8 absent special showing, on written affidavits submitted. Despite two extensions, Appellant  
9 Kinder has not submitted any affidavits, declarations, or other documents in support of her  
10 motion as of the close of business on April 24, 2008. She has also not made a special  
11 showing that live testimony is necessary, let alone in lieu of submitting written  
12 documentation of any type. The Commission therefore denies Appellant Kinder's request  
13 to present live testimony. Appellant Kinder has not submitted any information that shows  
14 any "fraud, mistake or misunderstanding of facts" in the Commission's March 21, 2008  
15 Findings of Fact, Conclusions of Law and Order. The Commission therefore denies her  
16 motion for reconsideration

## 17 18 III. ORDER

19 The Commission HEREBY:

- 20 1. DENIES APPELLANT KINDER'S REQUEST TO PRESENT TESTIMONY; AND
- 21 2. DENIES APPELLANT KINDER'S MOTION FOR RECONSIDERATION.

1 Dated this 25<sup>th</sup> day of April, 2008.

2 FOR THE CITY OF SEATTLE PUBLIC SAFETY CIVIL SERVICE  
3 COMMISSION

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5 \_\_\_\_\_  
6 Mary E. Effertz  
7 Executive Director  
8 Public Safety Civil Service Commission  
9 (206) 233-7118  
10 FAX: (206) 684-0755

11 \_\_\_\_\_  
12 This is a decision of the Public Safety Civil Service Commission. The Commission has delegated to the  
13 Executive Director the authority to sign the decision on behalf of the Commission.  
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