

IN THE UTAH COURT OF APPEALS

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Lorin Blauer,	)	MEMORANDUM DECISION	
	)	(Not For Official Publication)	
Petitioner,	)		
	)	Case No. 20061177-CA	
v.	)		
	)		
Department of Workforce	)	F I L E D	
Services, and Career Service	)	(March 13, 2008)	
Review Board,	)		
	)	<table border="1"><tr><td>2008 UT App 84</td></tr></table>	2008 UT App 84
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Respondents.	)		

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Original Proceeding in this Court

Attorneys: Vincent C. Rampton, Salt Lake City, for Petitioner  
Mark L. Shurtleff, J. Clifford Petersen, and Robert  
W. Thompson, Salt Lake City, for Respondents

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Before Judges Greenwood, Bench, and McHugh.

BENCH, Judge:

Lorin Blauer requests judicial review of the Career Service Review Board's (the CSRБ) decision to grant the Department of Workforce Services's (the DWS) motion to dismiss six claims regarding the DWS's alleged personnel rule violations. Blauer contends that the CSRБ erred by dismissing his claims for lack of jurisdiction because the district court had previously determined that Blauer had preserved his claims and had remanded the claims to the CSRБ for consideration on the merits. We reverse and remand.

Pursuant to the law of the case doctrine, the CSRБ was precluded from dismissing the remanded claims on jurisdictional grounds.

The "law of the case" doctrine specifies that when a legal "decision [is] made on an issue during one stage of the case," that decision "is binding in successive stages of the same litigation." Particularly when an appellate court makes a pronouncement on a legal issue, "[t]he lower court must not depart from the mandate . . . ." This is true even if the lower court "believe[s] that the issue could have been better decided in another fashion."

Jensen v. IHC Hosps., Inc., 2003 UT 51, ¶ 67, 82 P.3d 1076 (alterations in original) (quoting Thurston v. Box Elder County, 892 P.2d 1034, 1037-38 (Utah 1995)).

When the CSRБ initially dismissed Blauer's claims against the DWS and denied his request for reconsideration, Blauer petitioned the district court for de novo review of the CSRБ's action. See Utah Code Ann. § 63-46b-15(1) (2004) (stating that "district courts have jurisdiction to review by trial de novo all final agency actions resulting from informal adjudicative proceedings"). On review, the district court concluded that the CSRБ correctly determined that Blauer had not been demoted and affirmed the CSRБ's dismissal of Blauer's demotion grievance. However, the district court rejected the contentions made by the DWS and the CSRБ that Blauer's grievances based upon alleged violations of the personnel rules were "not raised administratively and . . . deemed waived or that [the district court] ha[d] no jurisdiction to consider them." In fact, the district court concluded "that [Blauer], in his Request for Reconsideration before the CSRБ, preserved all of his remaining allegations concerning the defendant's violations of the Personnel Management Act." (Emphasis added.)

Based on this language in the order, we conclude that the district court determined that Blauer's claims had been raised in such a way that there were no jurisdictional deficiencies at the agency or district court level. Thus, the district court's order of remand was an order to consider Blauer's claims on the merits. The DWS and the CSRБ did not challenge the district court's conclusions regarding jurisdiction through an appeal to this court. As a result, the district court's conclusions became the law of the case, and the CSRБ was bound by the district court's legal conclusions and mandates. The CSRБ therefore erred by considering jurisdictional issues that had already been decided by the district court.

Accordingly, we reverse the CSRБ's dismissal of Blauer's six claims on jurisdictional grounds and remand the case to the CSRБ for a hearing on the merits.

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Russell W. Bench, Judge

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WE CONCUR:

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Pamela T. Greenwood,  
Presiding Judge

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Carolyn B. McHugh, Judge