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**COMMONWEALTH OF MASS
CIVIL SERVICE COMMISSION**

SUFFOLK, SS.

SUPERIOR COURT
CIVIL ACTION
NO. 12-1850G

THOMAS M. CARLSON

v.

Notice sent
7/18/2014
R. H.
L. J. P.
C., L. & P.
R. L. Q., JR.

TOWN OF BURLINGTON and
CIVIL SERVICE COMMISSION

(sc)

ORDER ON CROSS-MOTIONS FOR
JUDGMENT ON THE PLEADINGS

The plaintiff police officer appeals a decision by the Town of Burlington bypassing him for promotion to sergeant where he scored three points higher on the civil service examination than did the individual who received the promotion. The Civil Service Commission reviewed the Town's decision and upheld it, finding "reasonable justification" for it. Cambridge v. Civil Service Commission, 43 Mass. App. Ct. 300, 303 (1997). In short, the Commission concluded that the Town Administrator's hiring decision, relying on the recommendation of the police chief who credited the successful applicant's many years of service and demonstrated personal and professional skills, was credible, fair

and proper under the law.

(sc)

This court's review of the underlying decisions here is constrained by G.L. c. 30A, § 14. Before me is the question of whether substantial evidence exists in support of the Commission's decision and I must defer to the experience and expertise of the Commission in matters of this sort. A review of the administrative record, including the transcript of the hearing in front of the Commission, establishes that the reasons stated by the Town Administrator in the so-called "by pass letter" (page 3 of the Administrative Record) are valid reasons for the selection made. The Commission reviewed the Town's decision after a full hearing and affirmed the decision, saying that to the extent there were flaws in the process, there was no evidence of political or other improper considerations.

Consequently, the plaintiff's motion is DENIED and the defendant Town's motion is ALLOWED. Judgment shall enter in favor of the defendants.

By the court,



Carol S. Ball
Justice of the Superior Court

Date: July 17, 2014