

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION
One Ashburton Place: Room 503
Boston, MA 02108
(617) 727-2293

BABATUNDE ADEYEMI,
Appellant

v.

B1-12-126

HUMAN RESOURCES DIVISION,

Appellant's Representative:

Pro Se
Babatunde Adeyemi

Respondent's Representative:

Andrew Levrault, Esq.
Human Resources Division
One Ashburton Place: Room 211
Boston, MA 02108

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

On March 27, 2012, Babatunde Adeyemi (Appellant), filed an appeal against the state's Human Resources Division (HRD), contesting his examination score for police officer. A pre-hearing conference, attended by the Appellant and counsel for HRD, was held at the offices of the Civil Service Commission (Commission) on May 29, 2012.

Since the Appellant failed to first file a timely appeal with HRD, the Commission has no jurisdiction to hear his appeal, which is dismissed. HRD has, however, provided relevant information which is responsive to the issues underlying the Appellant's appeal.

Background

On April 30, 2011, the Appellant took the entry-level civil service examination for police officer, administered by HRD. On September 2, 2011, HRD sent the examination results to all test-takers. The Appellant, who travels often, including trips to Nigeria, did not receive the examination results.

On or about April 2012, the Appellant contacted HRD and was provided with a printout which indicated that he failed the April 2011 examination with a score of "69". Since this was the same failing score that the Appellant had received on a prior examination, he surmised that something was amiss and filed the instant appeal.

According to HRD, the Appellant failed the first (cognitive) portion of the written examination and, thus, the remainder of his examination was not scored. In such cases, HRD data-enters a “score” of 69 into their online system as a “place-holder” to indicate that the test-taker failed the examination. While HRD has ended the practice of mailing this fictitious score to the test-taker and now simply informs test-takers that they have failed, the score is still used internally by HRD to signify a failing grade. The Appellant was given a copy of an HRD printout with the score of 69.

G.L. c. 31, §§ 22 – 24 establish the timeframes in which an individual may file exam-related appeals with HRD. The Appellant failed to meet those deadlines by several months. While his appeal must be dismissed on that ground, the Appellant (and the Commission) now has more insight into the reasons related to his failing “score”.

The Appellant’s appeal under Docket No. B1-12-126 is hereby *dismissed*.

Civil Service Commission

Christopher C. Bowman, Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell and Stein, Commissioners [Marquis – Absent]) on July 26, 2012.

A true record. Attest:

Commissioner

Either party may file a motion for reconsideration within ten days of the receipt of this Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(l), the motion must identify a clerical or mechanical error in this order or decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration does not toll the statutorily prescribed thirty-day time limit for seeking judicial review of this Commission order or decision.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by this Commission order or decision may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of this order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of this Commission order or decision.

Notice:

Babatunde Adeyemi (Appellant)

Andrew Levrault, Esq. (for Respondent)