

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

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

ALEXANDER ALLEN

Appellant

v.

CITY OF BOSTON,

Respondent

Case No.: D-12-261

ORDER OF DISMISSAL

On September 18, 2012, the Appellant, Alexander Allen, filed an appeal with the Civil Service Commission (Commission), contesting the decision of the City of Boston (City) to suspend him for fifteen (15) days from his position as a Highway Construction Inspector.

A pre-hearing conference was held on October 16, 2012, which was attended by counsel for the City and the Appellant as well as other union representatives.

Although Mr. Allen has civil service permanency in a lower title, he was subsequently *provisionally* promoted to the position of Highway Construction Inspector.

Since Mr. Allen “has not suffered the loss of any rights attributable to [his] tenured position”, the Commission has no jurisdiction to hear this appeal. See McDowell v. Springfield, 23 MCSR 124 (2010). See also LeFrancois v. Dep’t of Revenue, 23 MCSR 639 (2010). For this reason, Mr. Allen’s appeal under Docket No. D-12-261 is *dismissed*.

Civil Service Commission

Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, Marquis, McDowell and Stein, Commissioners) on October 18, 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)(1), 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 to:

Joseph DeLorey, Esq. (for Appellant)

Kerry Anderson, Esq. (for Respondent)