

**NOTIFY**

**COMMONWEALTH OF MASSACHUSETTS**

**SUFFOLK, ss.**

**SUPERIOR COURT  
CIVIL ACTION  
No. 22-2506**

B

**GEORGE ASAMOAH**

**vs.**

**CITY OF LOWELL AND CIVIL SERVICE COMMISSION**

**DECISION AND ORDER ON CROSS MOTIONS FOR JUDGMENT ON THE  
PLEADINGS**

The plaintiff has filed a petition for judicial review pursuant to M.G.L. c. 30A, s. 14 and M.G.L. c. 31, s. 44 of a decision of Massachusetts Civil Service Commission. The Commission found that the City was justified in its suspension of Mr. Asamoah, a police officer. Both the plaintiff and defendant have filed for judgment on the pleadings, pursuant to Mass. R. Civ. P. 12(c).

The plaintiff was suspended by the City for conduct which involved striking a juvenile several times with a belt, allegedly in an effort to discipline the juvenile.

The court may only set aside decision by an agency if the decision is arbitrary and capricious, or unsupported by substantial evidence. Substantial evidence is such that a reasonable mind might accept as adequate to support a conclusion. G.L. c. 30A, s. 14(7).

After hearing the arguments of counsel and a review of the record and papers submitted the court finds for the reasons stated in the defendant's memorandum that the decision of agency was supported by substantial evidence and was not arbitrary and capricious. The court hereby ORDERS that the defendant's motion for judgment on the pleadings is ALLOWED and the plaintiff's motion for judgment on the pleadings is DENIED. The court rules that the decision of

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the agency was lawful and does not reach any of the procedural arguments raised by the defendant.

A handwritten signature in black ink, appearing to read 'M. P. Doolin', is positioned above a horizontal line.

MICHAEL P DOOLIN  
Justice of the Superior Court

DATE: September 9, 2024