

Commonwealth of Massachusetts

CIVIL SERVICE COMMISSION

100 Cambridge Street – Suite 200
Boston, MA 02114

M. B.,
Appellant

v.

HUMAN RESOURCES DIVISION,
Respondent

Docket Number: B2-25-170

Appearance for Appellant: M. B., *pro se*

Appearance for Respondent: Aezad Aftab, Esq.
Labor Counsel
Human Resources Division
100 Cambridge Street, Suite 600
Boston, MA 02114

Commissioner: Paul M. Stein

SUMMARY OF DECISION

The Commission denied an education and experience (E&E) examination appeal brought by a candidate who took the 2025 Parole Officer C/D Promotional Examination as he failed to pass the examination and the E&E points he is seeking would not change that result.

DECISION ON RESPONDENT'S MOTION TO DISMISS

On July 22, 2025, the Appellant, M. B., appealed to the Civil Service Commission (Commission), pursuant to G.L. c. 31, § 24, after the state's Human Resources Division (HRD) denied him credit on the E&E component of the Field Parole Officer (FPO) D Promotional Exam. I held a remote pre-hearing conference on this appeal on August 12,

2025. Pursuant to Procedural Orders entered on 8/22/2025 and 9/17/2025, HRD's Pre-Hearing Memorandum, as supplemented by a further report from HRD dated 9/10/2025, was deemed a Motion to Dismiss. The Appellant was provided with an opportunity to submit a response to HRD's Motion to Dismiss or withdraw his appeal, but he did neither. After careful review of the information provided, HRD's Motion to Dismiss is allowed and the Appellant's appeal is dismissed.

UNDISPUTED FACTS

HRD submitted eight exhibits with its Pre-Hearing Memorandum (*Resp.Exhs.1 through 8*). I marked the Appellant's Claim of Appeal and included documents as *App.Exh.1*. Based on the submissions of the parties, the following facts are not disputed:

1. The Appellant, M. B., is a Parole Officer A/B employed by the Massachusetts Parole Board. (*Claim of Appeal; HRD Pre-Hearing Memorandum, Resp.Exh.8*)

2. On or about March 23, 2025, the Appellant applied to take the May 17, 2025 Field Parole Officer (FPO) C and Field Parole Officer (FPO) D Promotional Examinations. The examination was comprised of a written component and an E&E component. The E&E component was a required component and accounted for 20% of the total exam score. (*Claim of Appeal; Resp.Exhs.7 & 8*)

3. The FPO C and FPO D E&E claim forms are similar but not identical. For example, the E&E point credits awarded for experience as a Parole Officer A/B are greater than for the Parole Officer D position. Also, the Parole Officer D position includes a question for acting time in that position; the Parole Officer C E&E claim does not. (Administrative Notice [[Examination Guides and Reading Lists | Mass.gov](#)])

4. The Field Parole Officer C & D E&E Candidate Preparation Guide contains the following instructions about the procedure for filing an E&E claim:

All candidates who are registered to take a promotional Field Parole exam will be sent an email with a link that takes the candidate to the E&E claim application. Only online claims will be accepted. No other form of submission will be accepted.

E&E Claim Submission

All candidates are required to submit an E&E claim application by the E&E submission deadline. Failure to submit an E&E claim application by the deadline will result in a failing E&E component score.

E&E Submission Deadline: 7 days after exam date, at 11:59 p.m.

- Starting the claim: Make sure the claim is for the correct exam title. If candidates are taking the 2025 Field Parole Officer C written promotional exam, they must apply for the 2025 Field Parole Officer C E&E exam claim.¹
- “Saving” VS “Submitting”: The claim can be completed in more than one sitting, and progress can be saved. However, a claim must be submitted by the deadline. A saved claim cannot be scored and will be considered incomplete.
- After candidates complete and review their submission, they must “accept and submit” their E&E claim by clicking on the button highlighted below under the “certify” section of the application. Failure to click this button will result in no score for the claim. Candidates should only submit their claim when they have completed the claim; once submitted the claim cannot be revisited.

(Resp.Exh.7)

5. As indicated in the Candidate Preparation Guide, on April 28, 2025, the Appellant received two separate email notices from HRD – one referencing the FTO C E&E claim form and one referencing the FTO D E&E claim form. Each notice reminded him of the requirement to submit an E&E on-line claim with the link to the application form for each position respectively. (Resp.Exhs.1 & 4)

¹ I note that the instructions do not explicitly mention that candidates taking both the FPO C and FPO D examinations must file different E&E claims for each position using the separate links for each position.

6. On May 9, 2025, HRD issued two additional reminders with the links to the FTO C and FTO D E&E applications respectively. (*Resp.Exhs.2 & 5*)

7. On May 19, 2025, HRD issued two final reminders with the links to the FTO C and FTO D E&E applications respectively. (*Resp.Exhs.3 & 6*)

8. The Appellant participated in the written component of the examination administered by HRD on May 17, 2025. (*Claim of Appeal; HRD Pre-Hearing Memorandum*)

9. On or about May 22, 2025, the Appellant completed and duly submitted an FPO C on-line claim application with supporting documents that he signed “M[.] B[.] Employee ID xxxxxx Parole Officer C & D”. (*Claim of Appeal, App.Exh1 [email chain to HRD]; Resp.Exh.8*)

10. On May 27, 2025, the Appellant received an email from HRD stating: “We have received your supporting documents for the E&E claim.” (*Claim of Appeal, App.Exh1 [email chain to HRD]*)

11. HRD awarded the Appellant E&E credit for his FTO C exam but no credit was granted for his FTO D examination. (*Claim of Appeal; HRD Pre-Hearing Memorandum*)

12. The Appellant failed to obtain a passing score on either the FTO C, with E&E credit, or the FTO D examination. His name does not appear on the eligible list for either position issued by HRD on 8/15/2025. (*HRD 9/10 supplement to Pre-Hearing Memorandum; Administrative Notice [[Massachusetts Parole Board FTO C and FTO D Eligible Lists](#)]*)

13. On July 22, 2025, the Appellant filed this appeal with the Commission. In his appeal, he stated:

I originally took the civil service examination for Parole Officer C and D. I sent in documents for E and E credit. I sent these documents in the same email. I didn't read that the documents had to be sent separately for both C and D. I did read that you only needed the following in the email: name, position which you

wanted credit and state employee number. In the email, i noted that it was for both C and D. Since those items had to be noted, it would have meant that someone would have to physically read the email. In the email, I noted that these supporting documents were for both C and D. If my process was incorrect, the reader should have contacted me to correct the mistake. Also, when it was sent, I received an email stating that my information was received, so I believed that it was good. Please note the (2) circled areas on the attachment. The credit for E and E was only given for C but not D. I would like the credit to be given to D as well.

(Claim of Appeal)

APPLICABLE LEGAL STANDARD

A motion to dispose of an appeal, in whole or in part, via summary decision may be allowed by the Commission pursuant to 801 C.M.R. 1.01(7)(h) when, “viewing the evidence in the light most favorable to the non-moving party”, the undisputed material facts affirmatively demonstrate that the non-moving party has “no reasonable expectation” of prevailing on at least one “essential element of the case”. See, e.g., Milliken & Co. v. Duro Textiles LLC, 451 Mass. 547, 550 n.6 (2008); Maimonides School v. Coles, 71 Mass. App. Ct. 240, 249 (2008); Lydon v. Massachusetts Parole Bd, 18 MCSR 216 (2005). See also Mangino v. HRD, 27 MCSR 34 (2014) and cases cited (“The notion underlying the summary decision process in administrative proceedings parallels the civil practice under Mass.R.Civ.P.56; namely, when no genuine issues of material fact exist, the agency is not required to conduct a meaningless hearing.”); Morehouse v. Weymouth Fire Dept, 26 MCSR 176 (2013) (“a party may move for summary decision when . . . there is no genuine issue of fact relating to his or her claim or defense and the party is entitled to prevail as a matter of law.”)

ANALYSIS

The undisputed facts, viewed in a light most favorable to the Appellant, establish that this appeal must be dismissed.

Section 22 of Chapter 31 of the General Laws prescribes that “[t]he administrator [HRD] shall determine the passing requirements of examinations.” According to the Personnel Administration Rules (PAR) 6(1)(b), “[t]he grading of the subject of training and experience as a part of a promotional examination shall be based on a schedule approved by the administrator [HRD,] which shall include credits for elements of training and experience related to the position for which the examination is held.” Pursuant to Section 24 of Chapter 31, “. . . the commission shall not allow credit for training or experience unless such training or experience was fully stated in the training and experience sheet filed by the applicant at the time designated by the administrator [HRD]”.

The Commission repeatedly has held that consistency and equal treatment are fundamental as important hallmarks of the basic merit principles under civil service law. Digi Ando v. HRD, 37 MCSR 252 (2024). The Commission generally has deferred to HRD’s expertise and discretion to establish reasonable requirements, consistent with basic merit principles, for crafting, administering, and scoring examinations. In particular, in deciding prior appeals, the Commission has concluded that, as a general rule, HRD’s insistence on compliance with its established examination requirements for claiming and scoring training and experience credits was neither arbitrary nor unreasonable. See Helms v. HRD, 38 MSCR 147 (2025); Bell v. HRD, 38 MSCR 44 (2025); Donovan v. HRD, 38 MCSR 60 (2025); Weaver v. HRD, 37 MCSR 313 (2024); Medeiros v. HRD, 37 MCSR 56 (2024); Dunn v. HRD, 37 MCSR (2024); Kiley v. HRD, 36 MCSR 442 (2024); Evans v. HRD, 35 MCSR 108 (2022); Turner v. HRD,

34 MCSR 249 (2022); Amato v. HRD, 34 MCSR 177 (2021); Wetherbee v. HRD, 34 MCSR 173 (2021); Russo v. HRD, 34 MCSR 156 (2021); Villavizar v. HRD, 34 MCSR 64 (2021); Holska v. HRD, 33 MCSR 282 (2020); Flynn v. HRD, 33 MCSR 237 (2020); Whoriskey v. HRD, 33 MCSR 158 (2020); Bucella v. HRD, 32 MCSR 226 (2019); Dupont v. HRD, 31 MCSR 184 (2018); Pavone v. HRD, 28 MCSR 611 (2015); and Carroll v. HRD, 27 MCSR 157 (2014).

The evidence establishes that the Appellant did not achieve a passing score on the FTO C or FTO D examination. He does not dispute HRD's contention that he did not file any FTO D E&E claim form, nor does he dispute the fact that, even if he had been awarded the E&E points he claimed on the FTO C examination also on the FTO D examination, he would still not have passed that examination. These facts require the Commission to dismiss this appeal as there is no relief that the Commission could order that would give the Appellant a passing mark on either examination or place him on either of the current eligible lists.

I note that, according to HRD, most (but not all) of the candidates who took both the FTO C and FTO D examinations appear to have understood that it was necessary to file separate E&E claims for each examination. The dual e-mail claim reminders were intended to make that clear. However, the FTO C & D Candidate Preparation Guide was a bit ambiguous as written; although the guide covers both exams, the E&E instructions section never explains that candidates who take both exams will be getting separate links and must file separate E&E claim forms. HRD should consider changing the language so that the instructions also make that clear as well.

CONCLUSION

For the reasons stated above, HRD's Motion to Dismiss is ***granted*** and the Appellant's appeal under Docket Number B2-25-170 is ***dismissed***.

Civil Service Commission

/s/ Paul M. Stein

Paul M. Stein
Commissioner

By vote of the Civil Service Commission (Bowman, Chair; Dooley, Markey, McConney, and Stein Commissioners) on November 13, 2025.

Either party may file a motion for reconsideration within ten days of 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. After initiating proceedings for judicial review in Superior Court, the plaintiff, or his / her attorney, is required to serve a copy of the summons and complaint upon the Boston office of the Attorney General of the Commonwealth, with a copy to the Civil Service Commission, in the time and in the manner prescribed by Mass. R. Civ. P. 4(d).

Notice to:

M. B. (Appellant)
Aezad Aftab, Esq. (for Respondent)