COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

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

ALBERT G. BLAIS,
Appellant

v.

D-03-522 & D-03-523

TOWN OF FRAMINGHAM,
Respondent

Appellant's Attorney:

Pro Se[1]
Albert G. Blais
[redacted]

Respondent's Attorney:

Timothy J. Harrington, Esq.
Christopher J. Petrini, Esq.
Petrini & Associates, P.C.
161 Worcester Road: Suite 304
Framingham, MA 01701

Commissioner:

Christopher C. Bowman

DECISION

The Appellant, Albert G. Blais (hereafter "Blais" or "Appellant"), pursuant to G.L. c. 31, § 43, filed timely appeals with the Commission claiming that the Town of Framingham (hereafter "Town" or "Appointing Authority" or "Police Department") did not have just cause regarding two separate disciplinary matters: 1) a 10-day suspension

[1] The Appellant was represented by counsel throughout the appeals process up to, and including, the two days of hearings before the Commission regarding this appeal, which concluded on June 25, 2007. On July 3, 2007, counsel for the Appellant withdrew his appearance on behalf of the Appellant.

(D-03-522); and 2) a 30-day suspension (D-03-523). The two appeals were consolidated by the Commission.

Hearings were conducted on May 15, 2007 and June 25, 2007 at the offices of the Civil Service Commission. At the request of the Appointing Authority, the hearings were declared public. All witnesses, with the exception of the Appellant, were sequestered.

Three motions were received by the Commission shortly before or during the proceedings. First, the Appellant filed a Motion to Dismiss, which is actually a Motion for Summary Decision, seeking a decision allowing the Appellant's appeal without any hearing, arguing that the Appellant's conduct did not constitute sexual harassment. That motion was taken under advisement at the time and is now denied as there was a factual dispute regarding almost all of the underlying issues regarding both of these appeals that warranted a full hearing. Second, the Appellant filed a "Motion for Availability of Witnesses" asking the Commission to order the Framingham Police Chief "to make available…any witness presently a member of the Framingham Police Department". This motion was actually moot as all of the town employees for whom the Appellant wished to testify were called as witnesses for the Appointing Authority and subject to cross-examination by counsel for the Appellant. As the motion was moot, it is hereby denied. Third, and finally, the Appointing Authority submitted a Motion in Limine asking the Commission to issue an order prohibiting the admission into the record of the instant proceedings of any further documents which the Appellant may seek to submit. This motion, which was submitted at the beginning of the second full day of hearing, is denied. Additional documents were allowed to be submitted by the Appellant as exhibits.

Seven (7) tapes as well as transcripts were made of the hearing. The transcripts were deemed to be the official record of the proceeding. At the conclusion of the second day of hearing, the parties jointly agreed to submit post-hearing briefs in the form of proposed decisions to the Commission on August 10, 2007. The Appointing Authority submitted a post-hearing brief, but the Appellant did not.[2]

FINDINGS OF FACT:

Exhibits 1; 26; and 34 - 77 were entered into evidence at the hearing. Based on the documents submitted and the testimony of the following witnesses:

Called By the Appointing Authority:

- Debra Capobianco-Frasier, Framingham Police Officer;
- David Carlo, Framingham Police Officer;
- Kenneth Ferguson; Framingham Deputy Police Chief;
- Steven Carl; Framingham Police Chief;

[2] As referenced in footnote 1, then-counsel for the Appellant withdrew his appearance on July 3, 2007, before submitting a post-hearing brief on behalf the Appellant, which was due on August 10, 2007. The now-Pro Se Appellant, per his request, received a 60-day extension to retain the services of a new attorney to assist him with drafting a post-hearing brief in the form of a proposed decision. On October 10, 2007, the new deadline for filing a proposed decision, the Appellant notified the Commission that he was unable to retain new counsel for financial reasons and that he would not be submitting a proposed decision to the Commission. In the interim, counsel for the Appointing Authority had previously submitted a proposed decision to the Commission on August 10, 2007, the original filing deadline. It is the normal practice of this Commissioner to wait until proposed decisions are submitted by both parties before reading them When counsel for the Appointing Authority submitted a proposed decision via email, I saved an electronic copy and printed out a hard copy for the file without reading it. As noted above, the Appellant was granted a 60-day extension to seek new counsel. Further, via his former counsel, the Appellant received three examples of prior decisions that this Commissioner sent to both parties to use as a guide in drafting a proposed decision for the Commission. Although the Appellant has had ample time and opportunity to submit a proposed decision, either on his own behalf or with the assistance of an attorney, I have decided that I will not read the proposed decision submitted by the Appointing Authority and/or use it an any way regarding the drafting of this final decision. The determination here not to review the Appointing Authority's proposed decision is a serious departure from the practice of the Commissioner to review the parties' proposed decision but is warranted under the unusual circumstances wherein an Appellant facing disciplinary action is represented by counsel through the full hearing but is unrepresented for the purposes of filing a post-hearing brief and, apparently, unable to submit one himself. Perceiving the need and ability to respond flexibly in such circumstances, the Commissioner's approach here is intended to balance the litigants' need for an appropriate conclusion with the now-pro se Appellant's dilemma. The parties in this case and others are not to construe this departure as practice in other cases.

- Dennis P. Reardon; Retired Framingham Police Sergeant;
- Former Female Framingham Police Officer ("Complainant")[3]
- Carlos J. Cintron, former Resident Relations Coordinator, Framingham Pelham Apartments;
- Brian Gallagher; Property Manager; Framingham Pelham Apartments;
- Michal McCann; Framingham Police Officer;

Called by the Appellant:

- Albert Blais, Appellant;

I make the following findings of fact:

1. The Appellant, Albert Blais, is a tenured civil service employee of the Framingham Police Department and has been employed full-time there since 1995. Prior to serving as a full-time police officer, the Appellant was an auxiliary police officer in Framingham for 3 ½ years. (Testimony of Appellant)
2. The Appellant served as an active member of the United States Army from 1982 to 1986. He has since served more than 20 years either as a National Guardsman or Reservist and currently holds the rank of Sergeant Major in the National Guard (Testimony of Appellant)
3. From July 2004 to May 2006, the Appellant was on active duty in the United States Army, during which time he was assigned to combat duty in Iraq. He is the recipient of a Bronze Star and a Combat Badge. (Testimony of Appellant)
4. During his tenure as a police officer, the Appellant has received several letters of commendation. (Exhibits 77A – 77D)

Prior Discipline

5. On November 6, 2001, the Appellant received a written reprimand for conduct unbecoming an officer and discourtesy. (Exhibits 67 & 68)
6. On July 31, 2002, the Appellant received a two-day suspension for violation of rules and regulations related to proper response and arrest procedures. In addition to the two-day suspension, the Appellant was ordered to: stop using "blue lights" on his own personal vehicle; attend anger management counseling; take a refresher course on response and arrest procedures; and stop serving on the Town's traffic enforcement unit. (Exhibit 26)
7. On September 13, 2002, the Appellant received a written reprimand for mishandling a citizen's telephone call on September 10, 2002. (Exhibit 69)

Findings Related to CSC Case No. D-03-522 (10-Day Suspension)

8. On December 1, 2003, the Appellant was suspended for ten (10) days for conduct unbecoming an officer and violation of the Town's Policy on Sexual Harassment. Specifically, the suspension was issued after the Appellant impersonated a certain female co-worker ("complainant") by laying on his back, spreading his legs apart and making movements representing a sexual act on August 3, 2003. (Exhibit 45)
9. There is no dispute that the Appellant performed the above-referenced physical impersonation. (Testimony of Appellant)
10. There is also no dispute that the Appellant often does voice impersonations of other police officers that are found to be humorous, even by those being impersonated.

[3] The name of the former female Framingham police officer that made allegations against the Appellant that are the subject of one of these appeals is being omitted from this decision and is referred to as "complainant".

11. There was conflicting testimony in regard to whether the Appellant performed the above-referenced physical impersonation a second time moments later on the day in question – or only performed the physical impersonation once . (Testimony of Appellant; complainant; Carlo and Capobianco-Frasier)
12. Based on a careful review of the testimony of the witnesses, I find that the Appellant did indeed reenact the impersonation on August 3, 2003, thus performing the physical impersonation twice within a matter of minutes.
13. Specifically, the Appellant and police officer David Carlo, who also serves as the local union president, testified before the Commission that the only female employee in the room at the time of the incident(s) was the complainant. (Testimony of Appellant and Carlo) Both the complainant and officer Debra Capobianco-Frasier, however, testified before the Commission that Capobianco-Frasier stepped back into the room after the first impersonation, at which time the Appellant reenacted the impersonation. (Testimony of Capobianco-Frasier and complainant)
14. In order for me to accept the testimony of the Appellant and officer David Carlo that the incident only occurred once, I would have to find that the testimony of both the complainant and Ms. Capobianco-Frasier was entirely untruthful when they testified that Capobianco-Frasier witnessed the reenactment.
15. I found both the complainant and officer Capobianco-Frasier to be highly credible witnesses. Both of these sequestered witnesses provided forthright answers during direct testimony and cross-examination that were consistent with their statements given to the Appointing Authority in 2003. (Testimony, demeanor of complainant and Capobianco-Frasier)

16. In contrast, officer Carlo often tried to couch his answers when asked a straightforward question about who was in the room at the time of the incident(s) stating during direct testimony, "I don't remember; I don't have my report in front of me there, but I don't recall exactly who was – I know there was a few people in there." Asked by counsel for the Appellant if he saw officer Capobianco-Frasier in the room, Mr. Carlo stated, "I can't say that I recall her being in there." When asked by this Commissioner to confirm that he only saw the Appellant do the impersonation once, officer Carlo stated, "I thought he only did it once. At least what I saw anyways." Also, when asked by this Commissioner if he remembered officer Capobianco-Frasier coming into the room at any time during the incident(s), the witness offered a similarly equivocal answer, stating, "No, not today." (Testimony, demeanor of Carlo)
17. When the Appellant was asked during direct testimony if Capobianco-Frasier was present during the incident(s), the Appellant, similar to officer Carlo, equivocated, stating, "Not to my knowledge; I never saw her." Later during cross-examination, the Appellant stated, "I'm not saying she wasn't behind me when I did it, but the only three people in the room were myself, [the complainant], and Dave Carlo." (Testimony, demeanor of Appellant)
18. The complainant testified before the Commission that, as part of a humorous conversation in which the Appellant was doing voice impersonations of other officers, she asked the Appellant to do an impression of her. Instead of a voice impersonation, the complainant testified that, "instead of him vocalizing an impression, he dropped to the floor and went on his back and put his hands and arms

up in the air and his legs in the air and started gyrating his pelvis and started making sexual noises and I was so embarrassed. I know I just felt my face turning red. I've got fair skin and I just felt really hot I was just horrified…I just kind of went ha-ha. I laughed, and like, I can't believe this, and I walked away." (Testimony of complainant)

19. The complainant testified that she was "taken aback" by the impersonations as they were "in the gutter and it was just to me, you know, it was basically saying I think you're a slut and I'm going to do it out in public and I don't care who's watching and it was so hurtful…". (Testimony of complainant)
20. During his testimony before the Commission, the Appellant repeatedly sought to characterize his behavior as humorous, as illustrated by the fact that that the complainant was laughing after his impersonation. The Appellant testified that "I was just joking around with…someone I perceived to be my friend". After learning that the complainant found his actions to be offensive, the Appellant testified that he called the complainant to apologize. (Testimony of Appellant)
21. In sharp contrast to his testimony that he was "joking around" with a friend when he did the impersonation, the Appellant, during cross-examination, stated in a sinister manner, "if you want me to get into details about why I did [it], I will be more than happy to do so." (Testimony of Appellant)
22. The Appellant testified that he regretted performing the impersonation because it got his uniform dirty, recalling that he was thinking at the time of the incident, "I'm brushing the dirt off my uniform. I'm kind of a neat freak. I like to look – I like to

have my uniform clean and squared away. So after I laid on the floor I said, damn, I'm a mess now. I've got dirt all over my uniform." (Testimony of Appellant)

23. Later in his testimony, in response to a question about his sensitivity to minorities, the Appellant stated, "Comics get up on the stage for millions of dollars a year and do those same things; they make a lot of money doing it. Unfortunately, I picked the wrong field; I should have been a comedian and I ended up being a cop. But sometimes it's appropriate and sometimes it's not. I try to gauge it as best I can as a human being." (Testimony of Appellant)

Findings Related to CSC Case No. D-03-523 (30-Day Suspension)

24. On September 11, 2003, the Appellant was suspended for thirty days (30) days[4] for conduct unbecoming an officer, discourtesy, untruthfulness and insubordination. Specifically, the suspension was issued after the Appellant, while responding to a loud noise complaint on August 22, 2003, allegedly stated to an African-American citizen at the scene, "It's not like you're fighting over who ate the last piece of fried chicken." (Exhibit 61)

25. There is no dispute that the Appellant was dispatched to a loud noise complaint at the Framingham Pelham Apartments on August 22, 2003.

26. The Framingham Pelham Apartments is a 540-building complex spread over 20 acres in which 1500 – 2000 residents reside. According to property manager Brian Gallagher, the population of the complex is primarily low-income and represents "a wide range of different nationalities". (Testimony of Gallaghger)

[4] There is no dispute that the initial suspension of 5 days was increased to 30 days by the Appointing Authority regarding this incident.

27. There is also no dispute that when the Appellant responded to the apartment in question, there were two teenage siblings, a brother and sister, present in the apartment, both of whom are African-American.

28. Carlos Citron, now a Fitchburg police officer, was the Resident Relations Coordinator at the Framingham Pelham Apartments at the time of the incident. Mr. Citron is a soft-spoken, credible witness who offered consistent testimony and had no identified ulterior motive for testifying against the Appellant. (Testimony, demeanor of Citron)

29. When Mr. Citron and his supervisor, Brian Gallagher, first entered the apartment in question, Framingham police officer Michael McCann was in the apartment as well as the teenage brother and sister. At some point, according to Mr. Citron, the Appellant asked the African-American teenager "if they were fighting over the last piece of fried chicken." (Testimony of Citron)

30. Brian Gallagher, the property manager of the Framingham Pelham Apartments, also testified before the Commission. Mr. Gallagher, who was a sequestered witness, testified that at some point on the day in question the Appellant arrived at the apartment and asked the African-American male teenager in the apartment, "Are you sure you weren't fighting over the last piece of fried chicken?" (Testimony of Gallagher)

31. Michael McCann is a Framingham police officer who serves as a liaison to the Pelham apartment complex. He testified before the Commission that on the day in question he heard the Appellant, who was in the other room, say "something; and I don't know if it was chicken or something that sounded like chicken or rhymed with chicken." (Testimony of McCann)

32. I find that Mr. McCann, in an attempt to portray the Appellant in a more favorable light, was less than forthcoming in his testimony before the Commission. His testimony before the Commission that he may have only heard the Appellant say a word that "rhymed" with chicken is preposterous and contrary to his statement given to the Appointing Authority at the time of the incident. (Testimony, demeanor of McCann)
33. The Appellant waived his right to a disciplinary hearing before the Appointing Authority and, hence, did not offer any testimony regarding either of the instant appeals prior to his testimony before the Commission. (Testimony of Appellant)
34. The Appellant did, however, answer questions as part of an internal investigation into this matter by the Appointing Authority in 2003. Although the Appellant repeatedly denied making the alleged statement at the Pelham Apartments on the day in question, the Appellant told the investigator in 2003 that he was friendly with the owner of an establishment named, "Chicken Bone Restaurant"; that he recently had interaction with the owner; and that he (the Appellant) may have had that issue on his mind when talking to the African-American teenager in question. (Exhibit 60)
35. Asked during his direct testimony before the Commission whether he made the statement attributed to him by Mr. Citron and Mr. Gallagher, the Appellant stated: "I answer dozens of calls a week. I remember going there, I remember attempting to resolve the incident. I do not recall any such statement, nor do I believe I made any such statement." Then asked during his testimony before the Commission if it was possible he said something of that nature, the Appellant stated, "Anything is possible,

but I don't recall what was said pursuant to that. I wouldn't have said something like that on purpose. It just doesn't make any sense to me." (Testimony of Appellant)

36. Later in his testimony, the Appellant stated, "I don't believe I said it. And the other testimony from Mr. Gallagher was that [the African-American teenager] was not phased by my alleged comment in any way. So if I said it, which I say I don't believe I did, but if I said that and he was not offended, what's the problem?" (Testimony of Appellant)
37. Exhibit 50 is a report of then-Lieutenant Kenneth Ferguson's (now Deputy Police Chief) summary of his interview with the African-American teenager who the Appellant spoke to on the day in question. According to Ferguson's report, the teenager stated that he was shocked by the question the Appellant posed to him about fighting over the last piece of fried chicken and that he (the teenager) took the question to be a racial remark directed at him as he is black. (Exhibit 50)
38. Asked during cross-examination if he had a history of making racially offensive and inappropriate remarks prior to the alleged incident regarding the "fried chicken" remark, the Appellant opined about the high number of calls received from non-English speaking residents. Specifically, the Appellant testified that, "Every other call that comes in now is – that's the phraseology that they use over the radio, 'There's a language barrier.' Like, what the hell does that mean? So what you're telling me is now I have to go answer a call I have no idea what I'm getting into…It's become a constant routine in our town and I don't understand why we put up with it…I find it inappropriate that anyone would move to this country and not at least attempt to speak to the local population as my relatives did when they moved

here…Make an attempt to communicate with me and I'll do what can to help you. But most of the time or a frequent amount of the time the first thing we get is: 'Do you speak Portugese?' Or 'no speak English'. Or we don't even get an attempt from these people or from any group of people that doesn't speak English to attempt to talk to us. Now, I lived in Germany for two years and I learned how to speak German because I thought it was the right thing to do. I was in their country. Well, I believe that if you come here that you should attempt to learn how to speak to me. That's my belief and I've more than earned my First Amendment privileges." (Testimony of Appellant)

39. Asked during cross-examination why he doesn't seek a transfer to another city or town if he doesn't like the diversity in Framingham, the Appellant testified, "Why do I need to be run out of the town that I live in? We have over 20,000 undocumented immigrants in Framingham and nobody seems too concerned about it. Why do I need to leave my neighborhood? I'm one of those that I'm going to – I'm staying and I'm going to stay and fight. I'm staying. I'm not going to be run out of my neighborhood. There is no reason for me to be." (Testimony of Appellant)
40. The Appellant's testimony before the Commission was not credible. At times, the Appellant adamantly denied making the "fried chicken" comment. At other times, the Appellant equivocated, indicating that he didn't recall making the statement. Incredibly, he then recounted his speculation to then-Lieutenant Ferguson that he may have had a local fried chicken restaurant on his mind when talking to the teenager in question. Moreover, his evolving testimony contradicted the credible testimony of

two percipient witnesses whom displayed no ulterior motive for testifying against the Appellant. (Testimony, demeanor

41. After a careful review of all the testimony and exhibits, I find that the Appellant, while responding to a noise complaint at the Framingham Pelham Apartments on August 22, 2003, did made a racially-tinged comment to an African-American teenager asking him if he was “fighting over the last piece of fried chicken”.

CONCLUSION

The role of the Civil Service Commission is to determine "whether the appointing authority has sustained its burden of proving that there was reasonable justification for the action taken by the appointing authority." City of Cambridge v. Civil Service Commission, 43 Mass. App. Ct. 300,304 (1997). *See* Town of Watertown *v.* Arria, 16 Mass. App. Ct. 331 (1983); McIsaac v. Civil Service Commission, 38 Mass. App. Ct. 473, 477 (1995); Police Department of Boston v. Collins, 48 Mass. App. Ct. 411 (2000); City of Leominster v. Stratton, 58 Mass. App. Ct. 726, 728 (2003). An action is “justified” when it is done upon adequate reasons sufficiently supported by credible evidence, when weighed by an unprejudiced mind; guided by common sense and by correct rules of law.” Id. at 304, quoting Selectmen of Wakefield v. Judge of First Dist. Ct. of E. Middlesex, 262 Mass. 477, 482 (1928); Commissioners of Civil Service v. Municipal Ct. of the City of Boston, 359 Mass. 211, 214 (1971). The Commission determines justification for discipline by inquiring, “whether the employee has been guilty of substantial misconduct which adversely affects the public interest by impairing the efficiency of public service.” Murray v. Second Dist. Ct. of E. Middlesex, 389 Mass. 508, 514 (1983); School Committee of Brockton v. Civil Service Commission, 43 Mass.

App. Ct. 486, 488 (1997). The Appointing Authority's burden of proof is one of a preponderance of the evidence which is established "if it is made to appear more likely or probable in the sense that actual belief in its truth, derived from the evidence, exists in the mind or minds of the tribunal notwithstanding any doubts that may still linger there." Tucker v. Pearlstein, 334 Mass. 33, 35-36 (1956). In reviewing an appeal under G.L. c. 31, §43, if the Commission finds by a preponderance of the evidence that there was just cause for an action taken against an appellant, the Commission shall affirm the action of the appointing authority. Town of Falmouth v. Civil Service Commission, 61 Mass. App. Ct. 796, 800 (2004).

The issue for the commission is "not whether it would have acted as the appointing authority had acted, but whether, on the facts found by the commission, there was reasonable justification for the action taken by the appointing authority in the circumstances found by the commission to have existed when the Appointing Authority made its decision." Watertown v. Arria, 16 Mass. App. Ct. 331, 334 (1983). *See* Commissioners of Civil Serv. v. Municipal Ct. of Boston, 369 Mass. 84, 86 (1975) and Leominster v. Stratton, 58 Mass. App. Ct. 726, 727-728 (2003).

Al Blais is a decorated war veteran who has served our country with distinction. For that, he has the Commission's admiration and gratitude. That distinguished military service, however, does not exempt him from the professional standards of conduct expected of all police officers.

In regard to the Appellant's ten-day suspension (D-03-522), there is no dispute that the Appellant, on at least one occasion on August 3, 2003, while on duty and in uniform, impersonated a female police officer by laying on his back, spreading his legs apart and

moving around in a sexual manner. Whether the incident occurred once, as the Appellant asserts, or twice, as the Commission has concluded, the Appellant's behavior represented conduct unbecoming a police officer and a violation of the Town's sexual harassment policy that warranted the discipline imposed.

Disturbingly, Al Blais appears to have no remorse for his behavior, chalking it up to good-natured fun between co-workers, at one point suggesting that he chose the wrong profession by not becoming a comedian. While the antics of Al Blais may be acceptable on the comic stage, this case involves his performance as a police officer, not as a comedian. What is before the Commission is whether his behavior constituted conduct unbecoming a police officer and a violation of the Town's sexual harassment policy. It did.

While Al Blais is unable – or unwilling – to recognize it, his actions described here have consequences. Four years after the incident in question, the female complainant, who now lives out of state, made the trip back to Massachusetts to recount for the Commission how she was "horrified" and "embarrassed" by Al Blais's mean-spirited and totally inappropriate "impersonation" of her in front of her co-workers. Mr. Blais's assertion that his behavior was a good-natured exchange between friends is contradicted by his pointed comments during his testimony, at one point stating during cross-examination, "if you want me to get into details about why I did [it], I will be more than happy to do so." Apparently, Mr. Blais had drawn the conclusion that the female complainant was promiscuous, thus, in his mind, justifying his antics in front of her and others while on the job. He is mistaken.

In regard to the Appellant's thirty-day suspension (D-03-523), the Appellant is accused of making racial remarks to an African-American teenager. Specifically, when responding to a routine noise complaint, Al Blais asked an African-American teenager if he was fighting over "the last piece of fried chicken". Mr. Blais denies making the comment. Based on the credible testimony of two percipient witnesses and the lack of credible testimony from the Appellant, the Commission concludes that Mr. Blais made the racial remark in question.

Although Mr. Blais denies making the comment in question, he testified that, even if he did make the comment, it would only be inappropriate if the person hearing his comment was offended. The Commission disagrees. There are simply no circumstances in which the racially-motivated comments made by Mr. Blais, a police officer, would be appropriate.

There is no place for such comments in the public or private workplace in general, but especially on a police force, where officers are rightfully held to a higher standard. While such misconduct warrants a more severe penalty (*see* Duquette v. Department of Correction . 19 MCSR 337 (2006); Downer v. Town of Burlington. 19 MCSR 411 (2006)), the Town, in this case has opted only to impose a thirty-day suspension. Mr. Blais should consider himself fortunate to still be employed by the Framingham Police Department.

The Town has proven, by a preponderance of the evidence, that the Appellant's conduct on August 22, 2003, represented conduct unbecoming an officer and was discourteous, as charged the Appointing Authority.

For all of the above-reasons, the Appellant's appeals under Docket Nos. D-03-522 and D-03-523 are hereby ***dismissed***.

Civil Service Commission

_____
Christopher C. Bowman, Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Guerin, Henderson, Marquis and Taylor, Commissioners) on November 29, 2007.

A true record. Attest:

_____
Commissioner

Either party may file a motion for reconsideration within ten days of the receipt of a 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 the decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration shall be deemed a motion for rehearing in accordance with G.L. c. 30A, § 14(1) for the purpose of tolling the time for appeal.

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

Notice:
Albert Blais (Appellant)
Christopher J. Petrini, Esq. (for Appointing Authority)
Timothy J. Harrington, Esq. (for Appointing Authority)