

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

100 Cambridge Street, Suite 200
Boston, MA 02114
617-979-1900

ANTHONY L. BOYKINS,
Appellant

v.

CITY OF LOWELL,
Respondent

Docket Number:

G1-25-200

Appearance for Appellant:

Pro Se
Anthony Boykins

Appearance for Respondent:

Garrett Beaulieu, Esq.
City of Lowell Law Department
375 Merrimack Street, 3rd Floor
Lowell, MA 01852

Commissioner:

Christopher C. Bowman

SUMMARY OF DECISION

The Commission dismissed the bypass appeal of a candidate seeking appointment as a permanent reserve firefighter in the City of Lowell as he was not bypassed for appointment since all candidates appointed were ranked above him.

DECISION ON CITY'S MOTION TO DISMISS

On September 1, 2025, the Appellant, Anthony L. Boykins (Appellant), filed an appeal with the Civil Service Commission (Commission), contesting the decision of the City of Lowell (City) to not

select him for original appointment as a permanent reserve firefighter in the City's Fire Department (SFD).

On September 30, 2025, I held a remote pre-hearing conference which was attended by the Appellant and counsel for the City. After the Appellant opted not to withdraw his appeal, the City submitted a motion to dismiss the Appellant's appeal, and the Appellant did not file an opposition.

Undisputed Facts

- A. On October 14, 2023, the Appellant took the civil service examination for firefighter and received a score of less than 100.
- B. On March 7, 2024, the state's Human Resources Division (HRD) established the eligible list for Lowell firefighter, which was merged on March 5, 2025.
- C. On March 5, 2025, HRD sent Certification No. 10393 to the City from which the City appointed 7 permanent reserve firefighters.
- D. No candidate from Certification No. 10393 was ranked below the Appellant, who was ranked 9th. Rather, the lowest ranked candidate appointed was ranked 8th on the certification.

Summary Disposition Standard

The Commission may, on motion or upon its own initiative, dismiss an appeal at any time for lack of jurisdiction or for failure to state a claim upon which relief can be granted. 801 CMR 1.01(7)(g)(3). A motion to resolve an appeal before the Commission, in whole or in part, via summary decision may be filed pursuant to 801 C.M.R. 1.01(7)(h). An appeal may be disposed of, however, on summary disposition only 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 Board, 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 establish that no candidate ranked below the Appellant on Certification No. 10393 was appointed by the City as a permanent reserve firefighter. A non-selected candidate may appeal to the Commission when his or her name appears “high[e]r” than one or more candidates who were appointed. See, e.g., Damas v. Boston Police Dep’t, 29 MCSR 550 (2016); Servello v. Department of Correction, 28 MCSR 252 (2015). See also PERSONNEL ADMINISTRATION RULES, PAR.02. As no candidate ranked below him on the certification was appointed, the Appellant’s bypass appeal must be dismissed for lack of jurisdiction.

Conclusion

The Appellant’s appeal under Docket Number G1-25-200 is hereby dismissed based on a lack of jurisdiction.

Civil Service Commission

/s/ Christopher Bowman

Christopher C. Bowman

Chair

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