

**COMMONWEALTH OF MASSACHUSETTS**

**CIVIL SERVICE COMMISSION**  
100 Cambridge Street, Suite 200  
Boston, MA 02114  
(617) 979-1900

**ROBERT BROWN, JR.,**  
*Appellant*

v.

D1-21-223

**CITY OF CHELSEA,**  
*Respondent*

Appearance for Appellant:

Paul A. Magliocchetti, Esq.  
Sheehan, Schiavone, Jutras and Magliocchetti, LLP  
70 Bailey Boulevard  
Haverhill, MA 01830

Appearance for Respondent:

Kay H. Hodge, Esq.  
John M. Simon, Esq.  
Stoneman, Chandler & Miller, LLP  
99 High Street  
Boston, MA 02110

Commissioner:

Paul M. Stein

**SUMMARY OF DECISION**

The Commission denied the Appellant’s request to reconsider its decision to affirm the decision of the City of Chelsea to suspend the Appellant and demote him from Fire Captain to Firefighter as he failed to identify a clerical or mechanical error in the decision or a significant factor the Commission or the presiding officer may have overlooked in deciding the case.

**DECISION ON APPELLANT’S MOTION FOR RECONSIDERATION**

On December 2, 2021, the Appellant appealed to the Civil Service Commission (Commission), pursuant to G.L. c. 31, § 43, contesting the decision of the City of Chelsea (Chelsea) to impose a six-month suspension and demotion two ranks from his position of Captain to Firefighter with the

Chelsea Fire Department (CFD).<sup>1</sup> The Commission conducted eight days of full hearings and received 162 exhibits, and admitted two additional post-hearing exhibits submitted by the Appellant. By Decision dated July 13, 2023, the Commission unanimously affirmed the discipline imposed on the Appellant and denied his appeal. The Appellant now moves for reconsideration of the Commission's Decision, which Chelsea has opposed.

After careful review, the Commission finds that the Appellant's Motion for Reconsideration has failed to identify a clerical or mechanical error in the decision or a significant factor the Commission or the presiding officer may have overlooked in deciding the case, as prescribed by 801 CMR 1.01(7)(l).

The Appellant's 30-page Motion for Reconsideration is, essentially, a request to revisit the Commission's prior discovery orders issued during the course of the appeal as well as the extensive findings of fact and credibility assessments of the witnesses contained in the Commission's 49-page Decision. The Appellant has offered nothing new that would warrant reopening the thoroughly developed administrative record of this appeal or convince the Commission to change its findings and conclusion that the preponderance of the evidence provided just cause for the discipline imposed on the Appellant. In particular, the Commission's decision did not overlook, but concluded that the credible evidence did not support, the Appellant's contentions that the CFD Fire Chief acted "in bad faith", "targeted" the Appellant, and did not take his back injury seriously. It was not the injury, per se, that was disputed but, rather, the documented record of the Appellant's behavior that was inconsistent with his claim that he was unable to perform clerical desk duties with accommodation for his condition while simultaneously pursuing his own private business and

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<sup>1</sup> The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 (formal rules), apply to adjudications before the Commission with G.L. c. 31, or any Commission rules, taking precedence.

personal affairs that involved equally or more arduous physical activity. Similarly, the Commission's Decision did not overlook the Appellant's argument that the Commission improperly considered his discipline for prior attendance issues (e.g., "swaps"); rather, the Commission concluded that such discipline for prior attendance misconduct to be relevant, among other reasons, to the level of discipline imposed for the misconduct imposed in the present appeal.

In sum, for these reasons, the Appellant's Motion for Reconsideration in Docket Nos. D1-21-223 is hereby *denied*.

Civil Service Commission

/s/ Paul M. Stein

Paul M. Stein  
Commissioner

By vote of the Civil Service Commission (Bowman, Chair; Dooley, McConney, Stein and Tivnan, Commissioners) on November 16, 2023.

Notice to:

Paul A. Magliocchetti, Esq. (for Appellant)  
Kay H. Hodge, Esq. (for Respondent)  
John M. Simon, Esq. (for Respondent)