

**COMMONWEALTH OF MASSACHUSETTS**

**CIVIL SERVICE COMMISSION**

100 Cambridge Street – Suite 200

Boston, MA 02114

617-979-1900

**CHRISTOPHER A. CAWLEY,**

*Appellant*

v.

**HUMAN RESOURCES DIVISION,**

*Respondent*

Docket number:

B2-25-136

Appearance for Appellant:

Christopher A. Cawley

*Pro Se*

Appearance for Respondent:

Michael J. Owens, Esq.

Labor Counsel

Human Resources Division

100 Cambridge Street, Suite 600

Boston, MA 02114

Commissioner:

Paul M. Stein<sup>1</sup>

**SUMMARY OF DECISION**

The Commission denied an examination appeal brought by a candidate who took the 2025 Boston Fire Department (BFD) Fire Lieutenant promotional examination as he failed to complete the required ECT&E on-line claim.

**DECISION ON RESPONDENT’S MOTION FOR SUMMARY DECISION**

On June 9, 2025, the Appellant, Christopher A. Cawley, a Firefighter with the Boston Fire Department (BFD), appealed to the Civil Service Commission (Commission), pursuant to G.L. c. 31, § 24, after the state’s Human Resources Division (HRD) informed him that he had failed to

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<sup>1</sup> The Commission acknowledges the assistance of law clerk Erasmus Ablernarh in the drafting of this decision.

complete the Experience, Certification, Training & Education (ECT&E) component of the 2025 BFD Fire Lieutenant promotional examination. I held a remote pre-hearing conference on this appeal on June 24, 2025. Pursuant to a Procedural Order dated June 25, 2025, HRD's Pre-Hearing Memorandum was deemed a Motion for Summary Decision. The Appellant was allowed the opportunity to file an Opposition but declined to do so. After careful review of the information provided, HRD's Motion for Summary Decision is allowed and the Appellant's appeal is dismissed.

### UNDISPUTED FACTS

HRD submitted four exhibits with its Pre-Hearing Memorandum (*Resp.Exhs.1 through 4*). I marked the Appellant's Civil Service Claim of Appeal as *App.Exh.1* and his Employment Verification Form as *App.Exh.2*. Based on the submission of the parties, the following facts are not disputed:

1. The Appellant, Christopher A. Cawley, is a Firefighter employed by the Boston Fire Department (BFD). (*Undisputed Facts [App.Exh.1; HRD Pre-Hearing Memorandum]*)

2. On or about January 29, 2025, the Appellant applied to take the April 12, 2025 BFD Fire Lieutenant Promotional Examination. The examination was comprised of a written component and an ECT&E component. The ECT&E component was a required component and accounted for 20% of the total exam score. (*Undisputed Facts [App.Exh.1; HRD Pre-Hearing Memorandum]*)

3. The examination poster contained, in relevant part, the following statement concerning the ECT&E component:

**Experience/Certification/Training & Education (ECT&E):** All candidates must complete the 2025 Boston Fire Lieutenant Promotional Examination ECT&E Claim application online. Instructions and a link to the ECT&E Claim will be emailed to candidates prior to the examination date. A confirmation email

will be sent upon successful submission of an ECT&E Claim application. Submitting an ECT&E claim in any way other than through the online claim process will result in an "INCOMPLETE" score on this exam component. In addition, candidates who fail to include any supporting documentation to their ECT&E application by the deadline of April 19, 2025, will receive an "INCOMPLETE" score. All claims and supporting documentation must be received within seven calendar days following the examination. Supporting documentation must be scanned and attached to the application or emailed to civilservice@mass.gov no later than April 19, 2025. Documents can be uploaded to your Civil Service account when submitting your ECT&E application. Documents such as educational transcripts that have already been submitted and are attached to your Civil Service account do not need to be resubmitted. A new EVF must be provided for each examination.

*(Resp.Exh.1) (emphasis added)*

4. On March 22, 2025, HRD sent an e-mail reminder about the ECT&E claim process to the Appellant, which stated, in relevant part:

The claim application must be electronically submitted online THROUGH THE APPLICATION LINK ABOVE and no later than 11:59 pm, seven days after the written examination. Late applications will not be accepted. If you do not receive an automated confirmation email after you submit your claim, your ECT&E claim application has not been received by Civil Service and will not be scored. If you have not received a confirmation email, you must resubmit your online application THROUGH THE APPLICATION LINK ABOVE, prior to the submission deadline, until you have received a confirmation email. This will ensure your application is processed under the accurate Person[nel] ID number. In the event an unforeseen technological problem prevents you from successfully submitting the online claim, you must notify Civil Service at civilservice@mass.gov prior to the deadline above, requesting consideration of the claim, describing the technical issue, and attaching your completed ECT&E claim application and supporting documentation.

*(Resp.Exh.2) (emphasis added)*

5. On April 3, 2025, HRD's Civil Service Unit resent the March 22, 2025 e-mail reminder about the ECT&E process to the Appellant. *(Resp.Exh.3)*
6. The Appellant participated in the written component of the examination administered by HRD on April 12, 2025. *(Resp.Exh.5)*

7. The Appellant did not submit an ECT&E application through the on-line portal prior to the deadline of April 19, 2025, nor did he inform HRD of any technical issues concerning his attempts to submit an ECT&E on-line claim. (*Resp.Exh.4*)

8. After 11:59 am on April 19, 2025, the on-line ECT&E claim portal was closed and no longer available to candidates. (*HRD Pre-Hearing Memorandum*)

9. On June 6, 2025, HRD notified the Appellant via email that he had received an ‘INCOMPLETE’ score due to his failure to submit the ECT&E application by the stated deadline of 4/19/2025, or failure to include supporting documentation for his ECT&E application. (*Resp.Exh.4*)

10. In his appeal to the Commission, filed on June 9, 2025, the Appellant stated:

“I received an ‘Incomplete’ score for the Experience portion of the `Boston Fire Lieutenant exam. I am unsure of what caused this error but attached is a copy of the appropriate paperwork listing the relevant work experience.”

(*App.Exh.1*)

## **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 . . . that 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. DiGiando 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 \_\_ (5/15/2025); 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 Commission has repeatedly held that consistency and equal treatment are fundamental as important hallmarks of the basic merit principles under civil service law, as reflected in DiGiando.

The Appellant received an “Incomplete” score not due to any error by HRD, but rather because he failed to submit the ECT&E application—or its supporting documentation—by the designated deadline. Although, in his Appeal Summary, the Appellant labeled his score as an “error” and professed uncertainty as to its cause, HRD explained that the “Incomplete” was attributed solely to his failure to submit the required application.

Moreover, the Appellant neither asserts that he submitted the ECT&E forms, nor disputes HRD’s position that the ECT&E component was missing. Moreover, he had ample notice as HRD issued email notifications and follow-up reminders advising him to submit the ECT&E application within seven days of the written examination. The Appellant did not notify HRD of any difficulties encountered during this process.

The Commission has consistently held that adherence to instructions, and attention to detail, among others, are reasonably required elements of the HRD examination process, particularly for supervisory-level positions. The Appellant bore the burden of proving compliance, and he has not

been able to prove that he complied with instructions. In the absence of any indication that the failure to submit was due to no fault of his own, the Commission will not intervene.

In sum, the undisputed facts and evidence establish that HRD acted consistently and impartially in enforcing strict compliance with its then established instructions—an essential aspect of the examination process. The present appeal fails to provide any basis to depart from the Commission’s well-established precedents in this regard.

This is one of five decisions being issued today in which the exam applicant received no ECT&E (or E&E) points based solely on their failure to follow exam instructions related to completing the ECT&E (or E&E) component of the exam. While the onus is on the exam applicant to closely follow instructions, I note that there has been a significant uptick in HRD examination review requests and examination appeals to the Commission and I appreciate the frustration that has been expressed by candidates who have been denied credits for hard-earned degrees, certifications and work experience for mistakes made in following exam instructions. The Commission will take care to ensure that this issue receives further thoughtful attention in the future.

## **CONCLUSION**

For the reasons stated above, HRD’s Motion for Summary Decision is *granted* and the Appellant’s appeal under Docket Number B2-25-136 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 September 4, 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:

Christopher A. Cawley (Appellant)

Michael J. Owens, Esq. (for Respondent)