

**COMMONWEALTH OF MASSACHUSETTS**

**CIVIL SERVICE COMMISSION**

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

**MATTHEW C. COLLINS,**  
*Appellant*

B2-23-116

v.

**HUMAN RESOURCES DIVISION,**  
*Respondent*

Appearance for Appellant:

Matthew Collins, *Pro Se*

Appearance for Respondent:

Michele M. Heffernan, Esq.  
General Counsel  
Human Resources Division  
100 Cambridge Street, Suite 600  
Boston, MA 02114

Commissioner:

Paul M. Stein

Summary of Decision

The Commission dismissed the Appellant’s appeal from the scoring of the education, certifications, training/licenses and education (ECT&E) component of the Boston Fire Lieutenant Promotional Examination after the Human Resources Division clarified the score notices sent to the Appellant and confirmed that he received all proper credit to which he was entitled.

**DECISION ON RESPONDENT’S MOTION TO DISMISS**

On July 24, 2023, the Appellant, Matthew C. Collins, appealed to the Civil Service Commission (Commission)<sup>1</sup>, pursuant to G.L. c. 31, §§ 22 - 24, questioning whether the score he received on the Education, Certifications, Training / Licenses and Education (ECT&E) component of the Boston Fire Lieutenant Promotional Examination included a credit for the correct associate degree he had received. I held a remote pre-hearing conference on this appeal on August 9, 2023.

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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.

By Procedural Order dated August 11, 2023, as a result of the discussion at the pre-hearing conference, I directed HRD to provide specific confirmation that would clarify whether or not the Appellant's ECT&E score did, in fact, include full credit for his associate degree. On September 8, 2023, HRD submitted a report that provided information, including information in camera to me, in response to the Procedural Order. After review of the information, and with the assent of HRD, I provided the Appellant with the relevant data that HRD provided to confirm that he did, in fact, receive full credit for the correct associate degree. I provided the Appellant an opportunity to withdraw his appeal as moot or, alternatively, I deemed HRD's report to be a motion to dismiss to which the Appellant could respond on or before September 29, 2023. To date, I have received no response from the Appellant. Accordingly, for the reasons stated below, the Appellant's appeal will now be dismissed.

### **UNDISPUTED FACTS**

Based on the submission of the parties, the following facts are not disputed:

1. The Appellant, Matthew Collins (FF Collins), is a firefighter with the Boston Fire Department (BFD).
2. FF Collins took the Boston Fire Lieutenant Promotional Exam, which consisted of three components – a Technical Knowledge (TK) written examination and Situational Judgment (SJ) written exercises, administered by HRD on March 25, 2023, and the ECT&E component, which required completion of the prescribed claim form and submission of supporting documentation on or before April 1, 2023.
3. As part of his ECT&E claim, FF Collins claimed credit (worth 6 points) for a “related associate degree” in Fire Science from Bunker Hill Community College (BHCC) and attached his official transcript to support that claim.

4. On June 15, 2023, HRD notified FF Collins that he had passed the examination with an overall Total Score of 88.77, rounded to 89, which placed him in 21<sup>st</sup> place (tied with 11 other candidates out of 200-plus total candidates who took and passed that examination) on the current eligible list established on July 22, 2023.

5. The score notice that the Appellant received stated that his score on the ECT&E component was 17.24 points (out of a maximum score for that component of 20.00 points). In a supplemental notice, HRD provided the following information about the scoring of his ECT&E claim:

The weights for the Experience, Certification/Training/Licenses and Education exam components were as follows: Experience 52%, Certification/Training/Licenses 25% and Education 23%.

Your ECT&E breakdown is: . . . Experience: 3 [sic] Certification/Training/Licenses: 33.93% of Certification/Training/Licenses points. Education 26.67% of Education points.

Your ECT&E was amended in the following way . . . Q(11) Non-Related Degree Claimed (Associate's degree) Amended (No degree) – No supporting documents (official transcript) (emphasis added)

6. FF Collins found the June 15, 2023 notice confusing, as it did not provide any specific information to permit him to discern what specific ECT&E credits he claimed had been allowed and what had not been allowed. The notice also confused him because he had not claimed any “Non-Related Degree” under Q(11), only a “Related Degree under Q(10), and the score notice made no mention of Q(10). He duly appealed to HRD for further review.

7. On July 18, 2023, HRD informed FF Collins that his ECT&E score had been reviewed and his appeal had been denied. The July 18, 2023 notice again referenced the denial of “non-related degree” (Q11) but, again, did not mention whether he had received credit for his “related-degree” claimed on Q(10).

8. On July 19, 2023, FF Collins again sought specific clarification from HRD as to whether or not he had received credit for his Fire Science associate degree from BHCC, the only degree he had claimed and for which he had filed the required official transcripts.

9. On July 20, 2023, HRD responded, stating: “Our records show that you have been credited with a related Associate’s degree from Roger Williams University. You have claimed an additional Associate’s degree that is unrelated. You were denied those points due to missing official transcripts for the unrelated degree.”

10. On July 24, 2023, FF Collins filed this appeal with the Commission.

11. On September 8, 2023, in its report to the Commission pursuant to the Procedural Order dated August 11, 2023, HRD confirmed that the “data string” sent to its vendor to score FF Collins ECT&E claim indicated that he, indeed, was originally awarded the appropriate 6 points for his related associate degree.

12. A copy of the full “data string” that was sent to the vendor was provided to me, in camera, and I provided FF Collins the relevant portion related to Q(10) showing that he was recorded with a related associate degree and received the proper 6 points credit as part of the calculation of his ECT&E score, as originally reported on June 15, 2023. Documentation of this credit used to determine his overall score and rank on the July 22, 2023 eligible list also was provided to me in camera; in turn, I provided FF Collins with the relevant portion related to Q(10).

13. HRD also explained the confusion about the reference to Roger Williams University, which it attributed to the fact that the top page of the official BHCC transcript submitted by FF Collins was cut off, and the HRD Civil Service Unit misinterpreted the entry showing certain transfer credits from Roger Williams University as reflecting the educational institution that had granted the degree.

14. HRD also explained that the narrative portion of the score notices only addressed parts of the ECT&E claims (Questions) that were rejected in whole or in part. By not mentioning Q10 in the score notice, HRD intended to convey the message that the claim had been accepted. Nothing in the score notice, however, expressly explained this fact.

### **APPLICABLE LEGAL 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).

### **ANALYSIS**

The undisputed facts, viewed in a light most favorable to the Appellant, establish that the appeal must be dismissed. I am satisfied that HRD has now adequately explained that the Appellant’s ECT&E score, and thus his final overall score and place on the current eligible list, has been correctly calculated according to HRD’s rules. The Appellant’s well-founded confusion about whether he did or did not receive proper credit for his BHCC associate degree has been resolved. Accordingly, there is no further relief that the Commission could grant to the Appellant. See, e.g., Geoghan v. HRD, 35 111 (2022); LaRochelle v. HRD, 35 HRD 119 (2022).

That said, I note that this appeal, along with other similar ECT&E appeals received by the Commission from the March 25, 2023 fire promotional exam, reveals that it would behoove HRD to reconsider the level of detail provided to candidates in HRD's initial score notices. In particular, the limited detail provided about the ECT&E scoring and the practice of describing only which ECT&E claims were rejected or partially amended, leaves candidates with legitimate questions about how to relate that information to what they had claimed and whether their ECT&E claims were correctly calculated. I understand that in the March 25, 2023 examination, HRD faced unique challenges and tighter time constraints than in other typical examination cycles. In future examinations, however, better clarity in reporting scores at the outset could go a long way in eliminating the confusion that occurred here.

### **CONCLUSION**

For the reasons stated above, HRD's Motion to Dismiss is *allowed*, and the Appellant's appeal under Case No. B2-23-116 is *dismissed*.

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 October 19, 2023.

Either party may file a motion for reconsideration within ten days of the receipt of this Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(1), 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:

Matthew C. Collins (Appellant)

Michele M. Heffernan, Esq. (for Respondent)

Robert J. Boyle, Jr., Esq. (for BFD)