

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

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

FEBY COLON,
Appellant
v.

Case No.: G1-13-140

CITY OF LOWELL,
Respondent

ORDER OF DISMISSAL

On June 12, 2013, the Appellant, Feby Colon (Ms. Colon), filed an appeal with the Civil Service Commission (Commission), contesting the decision of the City of Lowell (City) to “bypass” her for appointment for the position of permanent, full-time police officer.

On July 9, 2013, a pre-hearing conference was held, which was attended by Ms. Colon and counsel for the City.

It is undisputed that Ms. Colon, after first signing Certification No. 00454, indicating her willingness to accept appointment, subsequently, withdrew from the hiring process. Thus, she was no longer willing to accept appointment during the hiring cycle associated with Certification No. 00454.

When a candidate is no longer willing to accept appointment, their non-selection does not constitute a bypass. For this reason, Ms. Colon’s bypass appeal under Docket No. G1-13-140 is hereby *dismissed*.

Civil Service Commission

Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, Marquis, McDowell and Stein, Commissioners) on August 22, 2013.

A True Record. Attest:

Commissioner

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.

Notice to:

Feby Colon (Appellant)

Gina Atwood, Esq. (for Respondent)

John Marra, Esq. (HRD)