

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION
One Ashburton Place: Room 503
Boston, MA 02108
(617) 979-1900

THOMAS COULOMBE,
Appellant

D-19-253

v.

TOWN OF WARE,
Respondent

Appearance for Appellant:

Andrew T. Gambaccini, Esq.
Reardon, Joyce & Akerson, P.C.
4 Lancaster Terrace
Worcester, MA 01609

Appearance for Respondent:

Layla G. Taylor, Esq.
Sullivan, Hayes, & Quinn, LLC
One Monarch Place, Suite 1200
Springfield, MA 01144

Commissioner:

Christopher C. Bowman

DECISION ON APPELLANT’S MOTION FOR RECONSIDERATION

On July 15, 2021, the Civil Service Commission (Commission) issued a decision denying the Appellant’s appeal and affirming the Town of Ware’s decision to demote the Appellant from Fire Chief to Fire Lieutenant and to suspend him for thirty (30) days.

On July 26, 2021, the Appellant filed a timely motion for reconsideration, effectively arguing that: a) the Commission committed an error of law by upholding the thirty (30)-day suspension; and b) the Commission, whose findings differed in certain respects from the Town’s

findings, should reconsider its decision not to modify the demotion to a lesser penalty. The Town filed an opposition to the Appellant's motion on August 11, 2021.

I carefully reviewed the Appellant's motion and the Town's opposition and also (re) reviewed the relevant parts of the record that were referenced in the parties' submissions. The Motion for Reconsideration is denied as the Appellant failed to identify a clerical or mechanical error in the decision or any significant factor that may have been overlooked in deciding the case.

The Appellant argues that the thirty (30)-day suspension was solely related to the Select Board's conclusion that the Appellant was untruthful and/or disrespectful *during the local appointing authority hearing*, alleged misconduct for which he could not have been given notice since any notice of charges must precede the actual hearing. The evidence does show that the Select Board, in making their decision, was indeed influenced by their reaction to the Appellant's behavior at the local appointing authority hearing. However, a careful review of the record, including the testimony of the Select Board members, shows that the final discipline (the demotion and suspension) was tied to the charges stated in the discipline letter sent to the Appellant prior to the local appointing authority hearing. Put another way, the evidence does not show that, but for the Appellant's behavior at the local hearing, the Select Board would not have included a thirty (30)-day suspension in the final discipline.

That leads to the other related issue raised by the Appellant – whether or not the Commission should have modified the discipline given that the Commission's findings differed somewhat from the Town's findings. In conducting the de novo review here, I did consider whether any part of the discipline, the demotion or the suspension, should be modified. In short,

given the seriousness of the proven misconduct which occurred here, over a period of many years, there was no justification to modify any part of the discipline imposed by the Town.

For all of the above reasons, the Appellant's motion for reconsideration is *denied*.

Civil Service Commission

/s/ Christopher Bowman

Christopher C. Bowman, Chair

By a vote of the Civil Service Commission (Bowman, Chair; Camuso, Ittleman, Stein and Tivnan, Commissioners) on September 23, 2021.

Notice to:

Andrew Gambaccini, Esq. (for Appellant)

Layla Taylor, Esq. (for Respondent)