

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

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

VLADIMIR DAMAS,  
*Appellant*

v.

BOSTON POLICE DEPARTMENT,  
*Respondent*

G1-21-028

Appearance for Appellant:

James W. Gilden, Esq.  
173 North Main St.  
Sharon, MA 02067

Appearance for Respondent:

Anthony Rizzo, Esq.  
Office of the Legal Advisor  
Boston Police Department  
1 Schroeder Plaza  
Boston, MA 02120

Commissioner:

Christopher C. Bowman<sup>1,2</sup>  
Cynthia A. Ittleman

SUMMARY OF DECISION

The Commission allowed the appeal of the Appellant, a 37-year old, longtime resident of Boston, who has been repeatedly bypassed or non-selected for reasons related in large part to whether he has been truthful about the details of an incident that occurred during his teenage years while he was a *sophomore in high school*. The Appellant, who is now married with three children and has been employed as a correction officer for the past 10 years, insists that his written statements regarding that incident are consistent with a phone conversation he had with a BPD investigator during a prior hiring cycle.

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<sup>1</sup> The Commission acknowledges the assistance of Law Clerk Daniel Taylor in the drafting of this decision.

<sup>2</sup> Commissioner Ittleman conducted the remote full hearing regarding this appeal, but she retired from the Commission prior to drafting a decision. For that reason, the appeal was assigned to me. I have reviewed the entire record in this matter, including the audio / video recording of the remote full hearing and all exhibits.

As part of a prior decision upholding the decision to bypass the Appellant, the Commission urged the BPD, on a going forward basis, to afford the Appellant an opportunity for a recorded discretionary interview to eliminate any ambiguity or possible confusion regarding this issue. The BPD failed to conduct such a discretionary interview during this subsequent hiring cycle; failed to have the investigator who participated in the phone conversation testify as a witness as part of the hearing involving the instant appeal; and effectively recycled the same reasons for bypass. That is particularly troubling when one of the incidents in question occurred over two decades ago and when the resulting bypass of Mr. Damas thwarts the BPD's good faith efforts to ensure that the police force reflects the diversity of the population it serves.

The Commission has long held that candidates for police officer must be honest and truthful, including during the hiring process and the relief here does not necessarily require the appointment of the Appellant. It does, however, explicitly require that the BPD, once and for all, conduct a thorough review that includes a recorded discretionary interview afforded to other candidates, to fully address whether the Appellant has been untruthful, or whether there has been some understandable confusion regarding an incident that occurred so long ago.

## DECISION

Pursuant to G.L. c. 31, § 2(b), the Appellant, Vladimir Damas (Appellant), timely appealed to the Civil Service Commission (Commission) to contest his bypass by the Boston Police Department (Department) for appointment as a permanent full-time police officer. On March 16, 2021, I conducted a remote pre-hearing conference. On June 2, 2021, Commissioner Cynthia A. Ittleman conducted a remote full hearing.<sup>3</sup> The hearing was recorded via Webex, and both parties were provided with a link to the recording of the hearing.<sup>4</sup> The Commission also retained a copy of the hearing recording. Commissioner Ittleman retired in March 2022, and the appeal was reassigned to me. I have carefully reviewed the hearing recording and the parties' exhibits and submissions. For the reasons stated herein, the appeal is allowed.

### **FINDINGS OF FACT:**

Sixteen (16) exhibits were offered into evidence at the hearing, fifteen (15) by the Department and one (1) by the Appellant. Both parties filed post-hearing briefs. Based on these exhibits and the testimony of the following witnesses:

*Called by the Department:*

- Bryan Rivers, Detective, Recruit Investigations Unit, Boston Police Department
- Michael Gaskins, Diversity Recruitment Officer, Boston Police Department

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<sup>3</sup> The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR § 1.01 (formal rules), apply to adjudications before the Commission with Chapter 31 or any Commission rules taking precedence.

<sup>4</sup> If there is a judicial appeal of this decision, the plaintiff in the judicial appeal would be obligated to supply the court with a transcript of this hearing to the extent that he/it wishes to challenge the decision as unsupported by the substantial evidence, arbitrary and capricious, or an abuse of discretion. If such an appeal is filed, the recording provided to the parties should be used to transcribe the hearing.

*Called by the Appellant:*

- Vladimir Damas, Appellant

and taking administrative notice of all pleadings filed in the case, pertinent rules, statutes, regulations, case law and policies, and drawing reasonable inferences from the credible evidence,

I make the following findings of fact:

*Appellant's Background*

1. The Appellant is a Black male who, at the time of the Commission hearing, was 36 years old. He speaks fluent Haitian Creole, and lives in Dorchester with his wife and three children. (Resp. Exhibit 1; Testimony of the Appellant)
2. The Appellant began working at a local college around 2004, first as a cook and later as a shipping and receiving manager. During the roughly eight (8) years in which he worked for the college, the Appellant never called in sick, and was never disciplined. (Resp. Exhibit 1; Testimony of the Appellant)
3. Since October 9, 2011, the Appellant has worked as a correction officer. Prior to starting in this position, the Appellant completed the required academy training and received instruction in de-escalation techniques, first aid, riot control and defensive tactics, and the use of various weapons. During the first eight (8) years of his employment as a correction officer, the Appellant was responsible for managing 40-70 inmates, and employed de-escalation techniques a number of times. He has never been disciplined. (Resp. Exhibit 1; Testimony of the Appellant)
4. Since early 2020, the Appellant has been assigned to the transportation unit. He regularly transports inmates across the state—and occasionally out of state—between different facilities, or to doctor's appointments and court appointments. The Appellant carries a firearm while on

duty and has been issued a license to carry firearms (LTC) by the Boston Police Department.  
(Testimony of the Appellant; Resp. Exhibit 1)

5. The Appellant’s personal references all stated that he would do well as a Boston police officer. One of his supervisors where the Appellant is employed as a correction officer described him as smart and level-headed, and a second described him as “very dependable.” The latter stated that he would “sleep better” knowing that the Appellant was a Boston police officer. (Resp. Exhibit 2)
6. The Appellant previously appealed several bypasses or non-selections by the Department for original appointment to the position of police officer, including a 2016 appeal in which the Department acknowledged using a tie-breaking method that relied, in part, on the personal recommendations of incumbent police officers and whether the Commissioner at the time was “familiar” with the candidate. Four of the candidates selected from the same tie group as the Appellant in 2016 were related to members of the Department. In a 2021 decision which consolidated three such appeals, the Commission upheld the Appellant’s bypass, wholly on the basis of his 2017 failure to disclose his expulsion from a private Boston high school in 2000.<sup>5</sup> As discussed in more detail below, this omission was not cited as a reason for the Appellant’s bypass in the current hiring cycle. (Damas v. Boston Police Dep’t, 29 MCSR 550 (2016); Damas v. Boston Police Dep’t, 34 MCSR 9 (2021); Resp. Exhibit 14).

### *Current Hiring Cycle*

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<sup>5</sup> Although the Commission denied the Appellant’s appeal in 2021, the Commission specifically noted that any future consideration of the Appellant should entail a more thorough review, including a discretionary interview that would give the Appellant the opportunity to address the incidents related to the reasons for bypass. No such interview was conducted as part of this subsequent hiring cycle. (Damas, 34 MCSR 9; Testimony of Bryan Rivers; Testimony of Michael Gaskins)

7. On March 23, 2019, the Appellant took the entry level civil service exam for police officers, administered by the state's Human Resources Division (HRD) and received a score of 96. (Stipulated Facts)
8. On February 21, 2020, HRD issued Certification No. 06931. Among those willing to accept appointment, the Appellant was ranked 62<sup>nd</sup>. Of the 113 candidates selected for appointment, 42 were ranked below the Appellant. (Stipulated Facts)
9. The Department's Recruit Investigations Unit, upon completing a background investigation, presents a Privileged and Confidential Memorandum (PCM) to a "round table." This body typically includes the director of human resources, the deputy superintendent for internal affairs, a diversity recruitment officer, and a legal advisor. The decision to advance, bypass, or request more information from a candidate is made by the director of human resources and the deputy superintendent, in this case HR Director Mary Flaherty and Deputy Superintendent Courtney Matthews. (Testimony of Michael Gaskins)
10. Following the presentation of the Appellant's PCM to the round table by Detective Bryan Rivers, a member of the Recruit Investigations Unit, the Department sought no additional information from, nor a discretionary interview with, the Appellant. (Stipulation by the Department)
11. In a letter dated November 23, 2020, the Department notified the Appellant that he was being bypassed for appointment. It offered two reasons for the bypass: a) the Appellant's alleged conduct during two arrests in 2005 and 2008, and b) alleged inconsistencies between the Appellant's written statements to the Department and verbal statements made to Detective Rafael Antunez, a detective who conducted a prior background of the Appellant. Detective

Antunez was not contacted as part of Detective Rivers' 2020 background investigation. (Resp. Exhibit 14; Testimony of Det. Bryan Rivers)<sup>6</sup>

*Bypass Reason 1: Arrest Record*

12. Approximately 17 years ago, in November 2005, when the Appellant was 20 years old, he and several friends were approached by police in Randolph, Massachusetts. Police searched the Appellant's car, and found alcohol, a firearm, and a stun gun. (Resp. Exhibit 6)

13. The Appellant was charged with several offenses stemming from this incident but was found guilty only of being a minor in possession of alcohol, a misdemeanor. (Resp. Exhibit 7)

14. In April 2008, a large crowd outside of a nightclub in Boston devolved into yelling, screaming, and general chaos. A group of Boston police officers was dispatched, and several members of the crowd were pepper-sprayed and arrested for disturbing the peace. The Appellant was not a member of this crowd but approached the police when he recognized an acquaintance of his who had been pepper-sprayed and arrested. There was a tense exchange between the Appellant and the police, during which the Appellant used profanity. Three police officers then attempted to arrest the Appellant, ultimately tackling him to the ground and pepper-spraying him.<sup>7</sup> (Resp. Exhibit 8; Testimony of the Appellant)

15. Emergency medical services were summoned to provide medical attention to the Appellant and several others who had been pepper-sprayed during this incident. (Resp. Exhibit 8)

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<sup>6</sup> At the Commission hearing, the Department and its witnesses repeatedly raised the Appellant's 2017 omission of his expulsion from a private Boston high school. However, this omission was not listed as one of the Department's written reasons for bypassing the Appellant. (Resp. Exhibit 14; Testimony of Det. Bryan Rivers; Testimony of Michael Gaskins)

<sup>7</sup> The police report describing the incident claims that the Appellant was brought to the ground for raising his hands in "an aggressive manner" and attempting to "pull away" from the three arresting officers. (Resp. Exhibit 8)

16. During his arrest, the Appellant received a number of cuts and bruises, and several dreadlocks were ripped from his head. (Testimony of the Appellant)
17. All charges brought against the Appellant were dismissed. He was released without being fined or forced to pay court costs. (Resp. Exhibit 9; Testimony of the Appellant)
18. In its November 23 bypass letter, the Department contends that the two abovementioned incidents make the Appellant “unsuitable for employment as a Boston Police Officer,” because police officers “must behave in a manner consistent with the laws that they are sworn to enforce in order to gain and preserve public trust, maintain public confidence, and avoid an abuse of power by law enforcement officials.” (Resp. Exhibit 14)

*Bypass Reason 2: Untruthfulness*

19. In late 2000, shortly after the Appellant began his second year at a private Boston high school, he was expelled for bringing a knife onto school grounds. The Appellant, who was fifteen (15) years old at the time, began carrying the knife following an attempted robbery (or what appears to have been an attempted robbery), in which the Appellant was the putative victim. This robbery occurred the day prior to the Appellant’s expulsion. (Testimony of the Appellant; Resp. Exhibit 1)
20. Detective Antunez, the member of the Department who discovered the omission in the Appellant’s 2017 application, conducted a phone interview with the Appellant where the latter provided an account of the incident. In the course of this interview, Detective Antunez received the mistaken impression that the Appellant had carried a knife for two years prior to his expulsion. (Resp. Exhibit 2; Testimony of Det. Bryan Rivers)<sup>8</sup>

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<sup>8</sup> This finding is compatible with the Commission’s previous crediting of Detective Antunez’s testimony. *See* Analysis, *infra*, at 12-15.



21. Following his phone conversation with the Appellant, Det. Antunez requested, and the Appellant provided, a written explanation of both the omission and the underlying incident. The written explanation claims that the Appellant was carrying a knife for only a single day, not for two years.<sup>9</sup> (Resp. Exhibit 2)
22. In its November 23 bypass letter, the Department alleges that the above discrepancy is indicative of untruthfulness, making the Appellant “unsuitable for employment as a Boston Police Officer.” The Department maintains that “testifying in court is a fundamental job requirement for a police officer, and therefore it is essential that an officer’s integrity and credibility are intact.” (Resp. Exhibit 14)

### *Legal Standard*

The fundamental purpose of the civil service system is to guard against political considerations, favoritism, and bias in governmental hiring and promotion. The Commission is charged with ensuring that the system operates on “[b]asic merit principles.” Massachusetts Assn. of Minority Law Enforcement Officers v. Abban, 434 Mass. at 259, citing Cambridge v. Civil Serv. Comm’n., 43 Mass. App. Ct. 300, 304 (1997). “Basic merit principles” means, among other things, “assuring fair treatment of all applicants and employees in all aspects of personnel administration” and protecting employees from “arbitrary and capricious actions.” G.L. c. 31, § 1. Personnel decisions that are marked by political influences or objectives unrelated to merit standards or neutrally applied public policy represent appropriate occasions for the Civil Service Commission to act. Cambridge at 304.

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<sup>9</sup> Det. Antunez did not, as part of his 2017 background investigation, follow up with the Appellant regarding the discrepancy between his written and verbal statements. (Testimony of the Appellant)

In order to deviate from the rank order of preferred hiring and appoint a person “other than the qualified person whose name appears highest”, an appointing authority must provide written reasons – positive or negative, or both – consistent with basic merit principles. G.L. c. 31, §§ 1 and 27; PAR.08. A person who is bypassed may appeal that decision under G.L. c. 31, § 2(b) for a de novo review by the Commission to determine whether the bypass decision was based on a “reasonably thorough review” of the background and qualifications of the candidates’ fitness to perform the duties of the position and was “reasonably justified”. Police Dep’t of Boston v. Kavaleski, 463 Mass. 680, 688 (2012), citing Massachusetts Ass’n of Minority Law Enforcement Officers v. Abban, 434 Mass. 256, 259 (2001); Brackett v. Civil Service Comm’n, 447 Mass. 233, 543 (2006). and cases cited; Beverly v. Civil Service Comm’n 78 Mass. App. Ct. 182 (2010); Leominster v. Stratton, 58 Mass. App. Ct. 726, 727-28 (2003).

### *Analysis*

This is the sixth time that the Appellant has appealed a decision by the Department to not select him for appointment as a Boston Police Officer, for reasons centered around alleged misconduct, some of which stretches back over *20 years*, including when the Appellant was a sophomore in high school. He is now almost 40 years old, resides in Dorchester, is married with three children and has been employed for over a decade as a correction officer at a maximum-security facility, where he has a spotless record. All of his references reinforce that he is a good father, a good employee and a good citizen.

The Appellant’s first appeal to the Commission was based on his non-selection from a group of tied candidates, which does not constitute a bypass. As part of that appeal, however, the Department acknowledged that its tie-breaking method was based, in part, on personal recommendations made by Boston police officers and, in some cases, whether the BPD

Commissioner at the time was “familiar” with the candidate. Not surprisingly, four of the candidates selected from the same tie group as the Appellant in that prior hiring cycle were related to members of the Boston Police Department. The Commission dismissed that appeal based on a lack of jurisdiction.

In its most recent decision, which involved three subsequent bypasses of the Appellant by the BPD, the Commission upheld the bypasses, but effectively ordered that, as part of any future consideration, the BPD should conduct a more thorough review of the Appellant to determine whether now decades-old alleged misconduct, and alleged untruthfulness regarding that alleged misconduct, was supported by the evidence and sufficient to justify a permanent bar against employment with the Department. That simply didn’t happen here. In addition to refusing to grant the Appellant a discretionary interview, the BPD’s *current* background investigation relied on the hearsay statements of the *prior* investigation. In short, I have reached the inescapable conclusion that the BPD, primarily based on prior investigations relating to alleged misconduct from over 20 years ago, has pre-determined that the Appellant should not be appointed as a Boston Police Officer. That type of systemic rigidity results in forever judging applicants based on a snapshot in time, which is particularly concerning when, as here, it involves consideration of a candidate that would assist the Department with its good faith efforts to ensure a diverse police force that reflects the community it serves.

The Department’s current reasons for bypassing the Appellant are either not supported by a preponderance of the evidence or are unrelated to his current ability to perform the duties and responsibilities of a Boston Police Officer. Accordingly, as the Department has not shown that there was reasonable justification to bypass the Appellant, the present bypass must be overturned, and appropriate relief must be ordered.

### *Arrest Record*

The Commission has consistently held that in order to uphold a bypass based on a candidate's prior misconduct, an appointing authority must show a nexus between the past misconduct and the candidate's present ability to perform the duties and responsibilities of a civil service position. See Finklea v. Boston Police Dep't, 30 MCSR 93 (2017) (unanimously concluding that the BPD failed to show a nexus between the Appellant's admission to receiving stolen property 14 years prior and his current ability to serve as a police officer); Finklea v Civil Service Commission and Boston Police Department, Suffolk Superior Ct. (Fahey, J.) 1784CV00999 (Feb. 5, 2018)(affirmed as to this point); Morgan v. Boston Police Dep't, 33 MCSR 131 (2020) (unanimously concluding that the BPD failed to prove a nexus between the Appellant's criminal conduct 16 years prior and his current ability to serve as a police officer); Teixeira v. Dep't of Correction, 27 MCSR 471 (2014) (unanimously concluding that DOC failed to show a nexus between the Appellant's criminal conduct from 20 years prior and his current ability to perform the duties of a Correction Officer); Stylien v. Boston Police Dep't, 31 MCSR 154, 209 (2018) (overturning bypass based on a lack of evidence, and consequent failure to indicate a pattern of criminal behavior or poor driving habits).

The Department has failed to demonstrate a sufficient nexus between the Appellant's misconduct from over a decade ago, and his current ability to perform the duties and responsibilities of a Boston police officer. The Department alleged in its November 23 bypass letter that the 2005 and 2008 events it cites are proof that the Appellant is unable to behave in a manner consistent with the laws police officers are sworn to enforce, thereby undermining his ability preserve public trust, and avoid the abuse of power. This is a substantial claim, for which the Department did not present sufficient evidence.

The two incidents cited by the Department are not only stale—occurring fourteen (14) and

seventeen (17) years ago—they resulted in only a single conviction for being minor in possession of alcohol and fail to suggest anything about the Appellant’s respect for or ability to abide by the law. The Department also accuses the Appellant of committing several crimes of which he was not found guilty. Accordingly, the BPD has not shown that the Appellant’s criminal history would prevent him from serving as a Boston police officer.

*Alleged Untruthfulness*

The Department has not proven, by a preponderance of the evidence, that the Appellant was untruthful. The Appellant was present at the Commission hearing to offer a firsthand account of his phone conversation with Det. Antunez, and has steadfastly refused to revise the written statement he has been offering the department for the last five years. The Department, by contrast, offered only the cursory written account of Det. Antunez, and the secondhand testimony of Det. Rivers, who was not a participant in that phone conversation, and did not speak to Det. Antunez as part of his 2020 investigation of the Appellant’s background.

The criminal justice system relies on police officers to be truthful at all times, and an appointing authority is justified in bypassing candidates who do not meet this standard. See, e.g., Barbosa v. New Bedford Police Department, 29 MCSR 495 (2016) (unanimously upholding a bypass based on a pattern of carelessness and untruthfulness, numerous discrepancies and omissions); Wosny v. Boston Police Department, 29 MCSR 33 (2016) (unanimously upholding bypass based on pattern of untruthfulness, and multiple contradictory statements related to DUI charge); Gallo v. City of Lynn, 23 MCSR 348 (2010) (upholding bypass based on past cocaine abuse and untruthfulness related thereto). However, providing incorrect or incomplete information on a recruit officer application does not always equate to untruthfulness.

Indeed, labeling a candidate as untruthful is a subjective determination that should be made

only after a thorough, serious, and uniform review that is mindful of the potentially career-ending consequences that such a conclusion has on candidates seeking a career in public safety. See Kerr v. Boston Police Department, 31 MCSR 25 (2018) (finding that a majority of the untruths attributed to the applicant were erroneous); Morley v. Boston Police Department, 29 MCSR 456 (2016) (finding that the Boston Police Department had erroneously concluded that an applicant had been untruthful based on unreliable hearsay and false assumptions). This is particularly true given the Department's assertion that evidence of untruthfulness should never become stale, effectively serving as a permanent bar to service in law enforcement.<sup>10</sup>

The Department did not conduct a thorough, detailed review as was merited by the seriousness of its charges against the Appellant, especially given the muddled character of the underlying evidence. Given that more than 20 years have passed since the Appellant was expelled, early in his sophomore year of high school, it is understandably difficult to obtain a clear, detailed account of the events which led to his expulsion. However, this difficulty was compounded by the fact that Det. Antunez did not, as part of his 2017 background investigation, contact the Appellant regarding the alleged discrepancy between their phone conversation and the Appellant's written statement. Likewise, Detective Rivers did not contact Detective Antunez as part of his 2020 background investigation, and Detective Antunez did not appear before the Commission at its most recent hearing. The Appellant has also offered a consistent account of his conversation with Detective Antunez for several years now and continues to credibly deny saying that he carried the knife for two years prior to his expulsion. It should also be noted that the Appellant attended the private Boston high school from which he was expelled for well under two years, having been expelled

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<sup>10</sup> The Department made this argument both in its closing remarks at the Commission hearing, and in its post-hearing brief.

only partway through his second year there. Accordingly, while the Commission has previously credited Detective Antunez's testimony, I now find compelling reasons to reduce the weight afforded to that testimony.

To be clear, nothing in this decision should be construed as an accusation that Detective Antunez or any other member of the Department has been untruthful in this matter; the conflict between the Appellant's account and Detective Antunez's account of the 2017 phone interview is not irreconcilable. I find it quite likely that there was a misunderstanding or miscommunication between the two parties to the conversation: that the Appellant carried a knife outside of school for a longer period than he carried it in school, or he was simply relating that he was in his second year of high school when he was expelled. There are a number of alternative possible explanations that I find more likely than the prospect that the Appellant was being outright untruthful. A discretionary interview would provide an opportunity for a more thorough investigation of this discrepancy, and any alternative explanation therefor.

Unfortunately, in the current round of hiring, the Department's round table did not provide the Appellant with a discretionary interview, nor even request additional information, despite the Commission's previous recommendation to do so. The Department appears to have misunderstood the purpose of the discretionary interview, arguing that it was unnecessary because the Appellant did not wish to alter his written statement when given the chance.<sup>11</sup> The discretionary interview is intended to be an opportunity for the Appellant to present his own version of events to the body responsible for advancing or rejecting his candidacy, for the benefit of both the Appellant and the round table itself. Instead, the round table made its decision based on the secondhand account

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<sup>11</sup> Again, the Department made this argument both in its closing remarks before the Commission, and in its post-hearing brief.

presented by Det. Rivers, who himself was working off of a written memo prepared by Det. Antunez, to whom Det. Rivers did not speak as part of his 2020 investigation. This is insufficient evidence to rely upon in making a potentially career-ending accusation against an applicant with a stellar record of service in public safety.

Accordingly, having offered only scant hearsay evidence to support its claim, the Department has failed to meet the preponderance of the evidence standard, and I do not find that the Appellant has been untruthful regarding the facts underlying his expulsion from a private Boston high school in 2000. The most likely explanation for the continued discrepancy in the recollections of the Appellant and Detective Antunez, and the explanation which I find the most credible absent convincing evidence to the contrary, is that both parties believe their version of events to be accurate. Consequently, based on the evidence present in the record, I find that neither party to this appeal has been untruthful.

### *Conclusion*

For all of the above reasons, the bypass appeal of the Appellant, under Docket No. G1-21-028 is hereby *allowed*. Pursuant to the powers of relief inherent in Chapter 310 of the Acts of 1993, the Commission orders that the state's Human Resources Division and/or the Boston Police Department in its delegated capacity take the following action:

1. Place the name of Vladimir Damas at the top of any current or future certification for appointment to the position of permanent, full-time police officer with the Boston Police Department until he is appointed or bypassed.
2. In any future consideration of the Appellant, the Department shall afford the Appellant an opportunity to participate in a recorded discretionary interview to address, in part, whether



his written statements regarding the high school incident are consistent with a phone conversation that he had with a BPD investigator regarding this matter.

3. Once the Appellant has been provided with the relief ordered above, the Department shall notify the Commission, with a copy to the Appellant, that said relief has been provided. After verifying that the relief has been provided, the Commission will notify HRD that the Appellant's name should no longer appear at the top of future certifications.

Civil Service Commission

/s/ Christopher Bowman  
Christopher C. Bowman  
Chair

By vote of the Civil Service Commission (Bowman, Chair; Stein and Tivnan, Commissioners) on August 11, 2022.

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)(l), the motion must identify a clerical or mechanical error in the 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:

James W. Gilden, Esq. (for Appellant)  
Anthony Rizzo, Esq. (for Respondent)