

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss.

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

SANDRA DICKIE,  
Appellant

v.

E-17-045

HUMAN RESOURCES DIVISION,  
Respondent

Appearance for Appellant:

Galen Gilbert, Esq.  
Gilbert & O’Bryan, PC  
333 Washington Street, Suite 623  
Boston, MA 02108

Appearance for Respondent:

Mark Detwiler, Esq.  
Human Resources Division  
One Ashburton Place: Room 211  
Boston, MA 02108

Commissioner:

Christopher C. Bowman

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

On March 2, 2017, the Appellant, Sandra Dickie (Ms. Dickie), filed an appeal with the Civil Service Commission (Commission) against the state’s Human Resources Division (HRD). The appeal filed with the Commission stated: “Appellant is a licensed nurse practitioner employed by Framingham State University. Another person of the same qualifications, under an identical job description receives significantly more pay for the same work. This is a violation of the Basic Merit Principals (sic) ...”

On March 21, 2017, I held a pre-hearing conference which was attended by Ms. Dickie, her counsel and counsel for HRD. By agreement of the parties, HRD filed a Motion to Dismiss and the Appellant filed an opposition to HRD’s motion.

For all of the reasons listed in HRD's Motion to Dismiss, the Commission has no jurisdiction to hear this appeal, including but not limited to the undisputed fact that Ms. Dickie is not a civil service employee and she does not hold nor is she seeking a civil service position.

Notwithstanding the novel argument raised by counsel for the Appellant, there is no provision of the civil service law (Chapter 31) which gives the Commission jurisdiction to hear this appeal.

HRD's Motion to Dismiss is allowed and the Appellant's appeal under Docket No. E-17-045 is hereby *dismissed*.

Civil Service Commission

/s/ Christopher Bowman  
Christopher C. Bowman  
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Stein and Tivnan, Commissioners) on May 25, 2017.

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 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:

Galen Gilbert, Esq. (for Appellant)

Mark Detwiler, Esq. (for Respondent)