

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

SUFFOLK, ss.

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

CHRISTIAN DiSPENA,
Appellant

v.

B1-16-188

HUMAN RESOURCES DIVISION,
Respondent

Appearance for Appellant:

Pro Se
Christian DiSpena

Appearance for Respondent:

Melissa Thomson, Esq.
One Ashburton Place: Room 211
Boston, MA 02108

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

On November 9, 2016, the Appellant, Christian DiSpena (Mr. Dispena), pursuant to G.L. c. 31, §§ 22-24, filed an appeal with the Civil Service Commission (Commission), contesting the examination results of the April 16, 2016 firefighter examination, administered by the state's Human Resources Division (HRD).

On December 6, 2016, I held a pre-hearing conference at the offices of the Commission, which was attended by Mr. DiSpena and counsel for HRD.

As a result of that pre-hearing, it was determined that Mr. DiSpena inadvertently failed to complete the third section of the written examination, resulting in a failing grade. HRD offered Mr. DiSpena the opportunity to review the test booklet to ensure that all of the sections were indeed included in the test booklet he received on the day of the examination.

Based on these undisputed facts, there is no longer an active dispute before the Commission and this appeal is *dismissed*. I wish Mr. DiSpena the best of luck in the next examination process.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Stein and Tivnan) on December 22, 2016.

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 to:
Christian DiSpena (Appellant)
Melissa Thomson, Esq. (for Respondent)