

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

One Ashburton Place: Room 503
Boston, MA 02108

MATTHEW DUPONT,
Appellant

v.

B2-18-201

HUMAN RESOURCES DIVISION,
Respondent

Appearance for Appellant:

Pro Se
Matthew Dupont

Appearance for Respondent:

Patrick Butler, Esq.
Human Resources Division
One Ashburton Place: Room 211
Boston, MA 02108

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

1. On October 22, 2018, the Appellant, Matthew Dupont (Mr. Dupont), filed an appeal with the Civil Service Commission (Commission), contesting a multiple choice question on the Environmental Police A/B administered by the state's Human Resources Division (HRD) on October 20, 2018. Specifically, Mr. Dupont stated: "A question was placed on the exam that was outside of the assigned reading list."
2. On November 20, 2018, I held a pre-hearing conference at the offices of the Commission, which was attended by Mr. Dupont and counsel for HRD.
3. At the pre-hearing conference, HRD stated that it had no record of receiving an appeal from the Appellant. An additional search by HRD, done at my request, confirmed that no appeal was received from the Appellant.
4. The Commission does not have jurisdiction over appeals related to the scoring of multiple choice questions on a civil service examination. See G.L. c. 31, ss. 22-24 and Hickey v. Civ. Serv. Comm'n & Human Resources Div., 60 Mass.App.Ct. 1104, 799 (2003) (Unpublished Decision), upholding a Superior Court Decision in which

the Superior Court affirmed a Commission decision dismissing a multiple choice-related appeal based on a lack of jurisdiction.) Even if such jurisdiction existed, HRD has shown that it never received an appeal from Mr. Dupont.

For these reasons, the Appellant's appeal under Docket No. B2-18-201 is *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 December 6, 2018.

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:

Matthew Dupont (Appellant)

Patrick Butler, Esq. (for Respondent)