

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

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

**CRAIG ERICKSON,**  
*Appellant*

v.

**ROCKLAND FIRE  
DEPARTMENT,**  
*Respondent*

**Case No.: I-12-100**

**RESPONSE TO REQUEST FOR INVESTIGATION**

On March 12, 2012, Craig Erickson (Appellant), then a provisional Fire Captain in the Rockland Fire Department (Department), filed a request for investigation pursuant to G.L. c. 31, § 2(a) with the Civil Service Commission (Commission). That request stated in relevant part:

“Thomas Heaney does not qualify for appointment of Captain of the Rockland Fire Department as he resides outside of ten miles of the town limits in violation of M.G.L. C. 31, S. 58.”

On May 4, 2012, the state’s Human Resources Division (HRD), submitted correspondence to the Commission stating in relevant part: “As a result of the delegation of civil service appointments and promotions, the approval process in this matter has been delegated to the Rockland Fire Department.”

After a pre-hearing conference, which was attended by counsel for the Department, counsel for Mr. Heaney and counsel for the Appellant, and after reviewing the submissions of the parties, the Commission, on May 31, 2012, issued an order that:

- Denied the Appellant’s request for an investigation at that time;
- Ordered the Rockland Fire Department to complete a review of this matter and issue findings, conclusions and recommendations; and
- Allowed the Appellant to request a re-opening of the investigation if, after the Department’s review, he could show that Mr. Heaney was not in compliance with Section 58.

In correspondence dated June 12, 2012, the Department notified the Commission that it had conducted a review and that “based on the evidence that was presented, as well as the absence of any evidence to the contrary, the Fire Chief concluded that [Mr. Heaney] had not violated G.L. c. 31, §58.”

The Appellant, disputing the conclusions of the Department, filed a request with the Commission asking that the investigation be re-opened. A motion hearing was held regarding the Appellant's request on August 10, 2012.

On September 27, 2012, after consulting with the full Commission, I issued a Procedural Order allowing the Appellant's request to re-open the investigation and set the matter down for a hearing, to be held on January 16, 2013. All parties were notified that the Commission's investigation would be limited to whether or not Mr. Heaney, as of the date of the full hearing on January 16, 2013, was in compliance with Section 58.

Prior to the January 16, 2013 hearing, counsel for Mr. Heaney submitted a Motion for Summary Decision, with an affidavit and supporting documents, which, according to Mr. Heaney, showed that he was now in compliance with Section 58. He asked that the hearing be canceled and the matter be decided on the motion without a hearing. The Appellant objected. I denied the Motion for Summary Decision and the January 16, 2013 went forward.

As part of the January 16, 2013 hearing, which was digitally recorded, I took sworn testimony from Mr. Heaney. Based on a review of Mr. Heaney's testimony as well as the documents previously submitted, I have concluded that Mr. Heaney currently resides within ten (10) miles of the Rockland town limits and, therefore, is currently in compliance with Section 58. Consistent with the prior orders of the Commission, the scope of the investigation was limited to compliance as of the date of the January 16, 2013 hearing.<sup>1</sup>

Since I have concluded that Mr. Heaney is currently in compliance with Section 58, the Commission's investigation under Docket No. I-12-100 is hereby *closed*.

As part of the Appellant's request for investigation, he alleged that at least one (1) other member of the Department was not in compliance with Section 58. Consistent with my verbal orders at the January 16<sup>th</sup> hearing, the Rockland Fire Department is responsible for ensuring that firefighters are in compliance with Section 58. If, after six (6) months from the issuance of this order, there is evidence that any member of the Rockland Fire Department is not in compliance with Section 58, the Commission will review any credible requests for an investigation and, if warranted, open a new investigation and make appropriate findings, recommendations and conclusions, up to and including the vacating of appointments, if warranted.

Civil Service Commission

Christopher C. Bowman  
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, Marquis, McDowell and Stein, Commissioners) on January 24, 2013.

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<sup>1</sup>I noted the objections from counsel for the Appellant, who had asked the Commission to investigate whether Mr. Heaney was in compliance with Section 58 during prior time periods.

A True Record. Attest:

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Commissioner

Notice to:

Michael Savage, Esq. (for Appellant)

John J. Clifford, Esq. (for Respondent)

Joseph G. Donnellan, Esq. (for Intervenor)

John Marra, Esq. (HRD)