

**COMMONWEALTH OF MASSACHUSETTS**

**CIVIL SERVICE COMMISSION**

100 Cambridge Street, Suite 200  
Boston, Massachusetts 02114  
(617) 979-1900

YASMINE ESTRELLA,  
*Appellant*

v.

G1-23-055

CITY OF BROCKTON,  
*Respondent*

Appearance for Appellant:

Joseph G. Donnellan, Esq.  
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100 River Ridge Drive, Suite 203  
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Appearance for Respondent:

Allison Cogliano, Esq.  
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Brockton City Hall  
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Commissioner:

Angela C. McConney

**SUMMARY OF DECISION**

The Commission allowed the bypass appeal of the Appellant because the City failed to show that it completed a fair, impartial and sufficiently thorough review of her candidacy, and the preponderance of the evidence did not support the reasons cited for bypass.

**DECISION**

On April 21, 2023, the Appellant, Yasmine Estrella (Appellant), pursuant to G.L. c. 31, § 2(b), filed an appeal with the Civil Service Commission (Commission), contesting the decision of the City of Brockton (City) to bypass her appointment as a permanent, full-time firefighter in

the City's Fire Department (BFD). On May 16, 2023, the Commission held a pre-hearing conference via videoconference. On September 13, 2023, I held a full hearing at the offices of the Commission at 100 Cambridge Street, Boston, Massachusetts.<sup>1</sup> I recorded the hearing via the Webex platform, which serves as the official recording of the hearing and the parties were provided with a link to the recording.<sup>2</sup> The parties submitted proposed decisions on November 20, 2023.

On February 28, 2024, I re-opened the record for the sole purpose of accepting an unredacted copy of exhibits to clarify issues regarding the Appellant's residency.

**FINDINGS OF FACT:**

I admitted ten exhibits into evidence at the hearing: Respondent Exhibits 1- 9 (R0001 – R0249) and Appellant Exhibit 10 (A0250 – A0259). Based on the exhibits submitted at the hearing and the testimony of the following witnesses:

*Called by the City:*

- Chief Brian Nardelli, BFD Fire Chief

*Called by the Appellant:*

- Yasmine Estrella, Appellant

and taking administrative notice of all pleadings filed in the case, plus pertinent rules, statutes,

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<sup>1</sup> The Standard Adjudicatory Rules of Practice and Procedure, 801 C.M.R. § 1.00, *et seq.*, apply to adjudications before the Commission, with G.L. c. 31 or any Commission rules, taking precedence.

<sup>2</sup> If there is a judicial appeal of the Commission's decision in this matter, the plaintiff in the judicial appeal shall supply the court with a transcript of this hearing to the extent that they wish to challenge the decision as unsupported by substantial evidence, arbitrary or capricious, or an abuse of discretion. In such cases, the Commission's recording shall be used to create the written transcript.

regulations, case law and policies, and drawing reasonable inferences from the credible evidence, I make the following findings of fact:

*City of Brockton*

1. The City of Brockton, located in Plymouth County, has a population of approximately 104,000, two-thirds of whom are persons of color. (Administrative Notice: <https://www.census.gov/quickfacts/fact/table/brocktoncitymassachusetts/PST045223>)

2. According to the most recent data submitted by the City to the state's Human Resources Division (HRD), 86% of the City's 194 firefighters are white and 99% are male. (Administrative Notice: HRD Annual Section 67 Data)

*Appellant's Background*

1. Yasmine Estrella is a 31-year-old Hispanic female. She holds a degree from UMass Boston in Business Management. (Exhibit 1; Testimony of Appellant)

2. Ms. Estrella's early years were spent among Brockton, Lynn and Boston. She was raised in a single parent home. (Testimony of Appellant)

3. After finishing middle school in Brockton, Ms. Estrella's family decided that she should live with her grandparents in Boston. (Testimony of Appellant)

4. Ms. Estrella enrolled at Brighton High School in Boston where she excelled in both academic and extracurricular activities. She was the president of the National Honor Society and participated in both the Upward Bound program and the summer school program at Boston University. Ms. Estrella was the recipient of a Governor Christian Herter Scholarship. (Testimony of Appellant)

5. After graduating from high school, Ms. Estrella served for eight years in the Army National Guard. She was designated a team leader in the service. Ms. Estrella reached the rank of sergeant and was honorably discharged. (Testimony of Appellant)

6. While serving in the Army National Guard, Ms. Estrella served as a Signal Specialist, handling communications equipment from radios to satellites. Her work required her to maintain a security clearance, and she was assigned to a Military Police unit. (Testimony of Appellant)

7. During her military service, Ms. Estrella was activated for numerous public emergencies including Storm Nemo and each Boston Marathon during her tenure, including the one marred by a bombing. (Testimony of Appellant)

8. Ms. Estrella was also activated for deployment to Kosovo from January 2018 until November 2018 as a team leader. (Exhibit 1)

#### *Civil Service Process and Residency Preference Requirement*

9. Candidates seeking to be appointed as a firefighter in a civil service community in Massachusetts are required to take a two-part (written and physical) entry level examination that is administered by HRD. (Administrative Notice)

10. In order to qualify for a local civil service “residency preference” during the hiring process, a candidate must reside continuously in that community for one year prior to the written portion of the entry-level examination. (Administrative Notice)

11. When the written portion of an examination is postponed, the applicable residency period is that which applied to the original date of examination. (Exhibit 10)

12. Ms. Estrella was scheduled to take the written portion of the 2020 entry-level firefighter examination on March 21, 2020, which was postponed due to the onset of the pandemic. (Stipulated Fact)

13. The postponed written examination was administered over several months from November 2020 to May 2021. Ms. Estrella took the postponed written examination on May 8, 2021. (Exhibit 10)

14. Using the March 21, 2020 original date of the scheduled examination meant that Ms. Estrella had to have continuous residence in Brockton from March 21, 2019 to March 21, 2020 in order to claim civil service residency preference in Brockton. (Stipulated Fact)

15. As part of the hiring process, appointing authorities are required to verify any residency preference claims submitted by applicants to HRD. (Administrative Notice)

16. After passing the civil service examination, Ms. Estrella's name was placed on an eligible list for Brockton firefighter on July 17, 2021. (Stipulated Fact)

17. On December 5, 2022, HRD sent Certification No. 08989 to the City, with Ms. Estrella ranked 4<sup>th</sup> (tied) among those candidates with Brockton residency preference willing to accept appointment. (Stipulated Fact)

18. The City appointed 16 candidates for appointment, all of whom were ranked below the Appellant. (Stipulated Fact)

#### *Fire Department's Review Process*

19. Candidates who sign the civil service certification as willing to accept appointment are required to complete an application and provide supporting documentation to an assigned background investigator. (Testimony of Chief Nardelli)

20. As part of the background investigation, the background investigator reviews and verifies a candidate's claim for civil service residency preference. (Testimony of Chief Nardelli)

21. Background investigators are assigned to each applicant and reach out to them whenever required documentation is missing. (Testimony of Chief Nardelli)

22. After a background investigation is completed, candidates appear before an interview panel consisting of members of the Department's command staff. Fire Chief Brian Nardelli is a 27-year veteran of the Department, and previously served as head of training and background investigations for four years. (Testimony of Chief Nardelli)

23. Chief Nardelli sits in on the interviews but does not question the candidates. He considers truthfulness and the ability to follow instructions as essential characteristics of any successful firefighter candidate. (Testimony of Chief Nardelli)

*Fire Department's Review of the Appellant*

Application

24. On December 28, 2022, Ms. Estrella submitted her Application Package to the BFD, signing and swearing to its truth and accuracy. (R0047)

25. Asked to provide all residences within the past five years, Ms. Estrella listed:

- Kosovo: January 2018 – November 2018
- **“B” Road in Brockton** **November 2018 – April 2021**
- “R” Street in Dorchester April 2021 – December 2021
- “A” Street in Hyde Park December 2021 – Present<sup>3</sup>

(Exhibit 1; Testimony of Appellant)

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<sup>3</sup> In order to preserve privacy while ensuring clarity among the addresses relevant to this appeal, street addresses have been identified by letters.

26. As referenced above, Ms. Estrella was required to have continuously resided in Brockton from March 21, 2019 to March 21, 2020 to qualify for Brockton residency preference.

(Finding of Fact 14; Exhibit 10)

27. Ms. Estrella supplemented her application with various bank statements, mortgage statements, and insurance policies. (Exhibit 1)

28. Ms. Estrella was unable to produce her LTC and social security card because they were both locked in a safe and she did not have the combination number. (Testimony of Appellant)

29. On January 10, 2023, Ms. Estrella's assigned background investigator emailed her:

Hello Yasmine,

Your current packet is missing some information:

-Pg 34 has an LTC number written but no date of issue

-Pg 35 is missing a weapons list

-Missing copies of:

- Driver's license

- LTC

- Social Security Card

Please submit these when possible.

(Exhibit 3)

30. Nine days later on January 19, 2023, Ms. Estrella responded: Good Morning Captain []:

I will get the date of my LTC tomorrow.

I currently do not own weapons. I also do not have the information of the fire arms I had in the past as I submitted the documentation I had during my last application process.

Thank you,

Yasmine.

(Exhibit 3)

31. Ms. Estrella made numerous attempts to obtain a replacement LTC, including speaking to the Massachusetts State Police and the Boston Police. She was advised that there was a backlog in processing of LTCs due to a recent firearms licensing case. (Testimony of Appellant.)

#### Interviews

32. On January 30, 2023, the Department's command staff interviewed Ms. Estrella and the other candidates. Each panelist was required to complete a rating form listing their name, the candidate's name, and comments related to the candidate's responses, using the following categories: appearance, enthusiasm, poise and confidence, honesty in responses to questions, additional notes. (Testimony of Chief Nardelli)

33. Chief Nardelli did not question Ms. Estrella, but documented that she was:

- Clean, well dressed
- Calm
- Poised
- Not really too upfront when asked questions about residency
- Did not provide all information. Did not bring in other documentation to prove residency.

(Exhibit 5)

34. The second panelist noted that Ms. Estrella was:

- Business casual
- Nervous
- Nervous
- Somewhat confusing
- No notes

(Exhibit 5)

35. The third panelist noted that Ms. Estrella was:

- Professional

- Nervous
- Good
- Honest, but had seemed to blame others for missing items.
- No notes

(Exhibit 5)

36. The notes of the fourth panelist, who is unknown because he failed to include his name on the evaluation form, state:

- Business suit
- Calm
- Yes
- Honest in her responses
- Never sent some documents like driver's license, LTC.

(Exhibit 5)

37. The notes of the fifth panelist state:

- Well dressed
- Somewhat enthused
- No notes
- Seemed to blame others for her lack of a complete application packet.
- Made excuses for lacking information

(Exhibit 5)

Documents submitted with application

38. Ms. Estrella submitted tax returns for:

- 2017 (listing "G" Street in Lynn as her home address)
- 2018 (listing "B" Road in Brockton as her home address)
- For 2019, no return was submitted, but, rather, a transcript that lists "B" Road in Brockton as her address was submitted.
- 2020 (listing "R" Street in Dorchester as her home address with an E-File submission date of 04-07-2021)
- 2021 (listing "T" Avenue in Brockton as her home address)<sup>4</sup>

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<sup>4</sup> As discussed in more detail in the analysis, the Appellant stated during her testimony that, while she purchased the property on "T" Avenue in Brockton, she never actually resided at that address.

(Exhibit 1)

39. Ms. Estrella submitted a credit report generated on December 28, 2022 listing her current address as “R” Street in Dorchester. (Exhibit 1)

40. Ms. Estrella submitted a registration for her personal vehicle with an effective date of February 1, 2021, listing her address as “R” Street in Dorchester. (Exhibit 1)

41. Ms. Estrella submitted documentation showing that she paid the City of Brockton excise taxes for a personal vehicle in 2017, 2019 and 2020; and paid the City of Boston excise taxes for a persona vehicle in 2018 and 2021. (Exhibit 1)

42. Ms. Estrella submitted a copy of a driver’s license with an “issued date” of 10/3/19 showing an address of “B” Road in Brockton. (Exhibit 1)

43. Ms. Estrella submitted bank statements for the period of March to April 2019 and the period of March to April 2020 listing an address of “B” Road in Brockton. (Exhibit 1)

44. Ms. Estrella submitted an amended declaration page for a homeowners insurance policy effective May 4, 2019 listing an address of “B” Road in Brockton. (Exhibit 1)

45. Ms. Estrella submitted an April 18, 2019 mortgage loan statement listing an address of “B” Road in Brockton. (Exhibit 1)LT

Bypass Letter

46. In a February 17, 2023 notification, the City notified Ms. Estrella of the reasons for her bypass, stating in relevant part:

1.) Your application was incomplete. Missing among other documents your Massachusetts License to Carry Firearms (LTC), copy of your social security card, which you stated, "It is locked in a safe and can not be retrieved at the moment". Based upon the following items this statement is deceptive.

2.) You have an issue with your LTC. Documentation you presented in a previous interview, not this present interview, stated your significant other transferred

several weapons to you in July of 2020. The transfer required paperwork where you did not claim Brockton as your residence. You did not submit a current copy of your LTC stating the address as being updated, but the system is backed up. Your statements are untruthful.

3.) You claim residency at [B Road] in Brockton for approximately 3 years but at no time did you register your LTC in Brockton. Placing you in violation of Massachusetts general Law section 1298 and 131.

(Exhibit 8)

#### Late submission of LTC

47. Upon gaining access to the safe, Ms. Estrella immediately gave the BFD a copy of an LTC on February 28, 2023. The LTC was issued on November 2, 2021 with an expiration date of October 17, 2027, and an address of “R” Street in Boston (Dorchester). (Exhibit 6)<sup>5</sup>

#### Voter Registration Records

48. The City submitted voter registration records documenting that the Appellant had changed her voter registration from “A” Highway in Boston to “B” Road in Brockton on March 3, 2020. Then on December 29, 2020, the Appellant changed her voter registration from “B” Road in Brockton to “R” Street in Boston (Dorchester). (Exhibit 9)

49. The background investigator assigned to Ms. Estrella failed to complete the neighbor reference forms. One neighbor reference form identifies a neighbor in Dorchester, but,

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<sup>5</sup> The City never asked Ms. Estrella to produce an LTC for the residency period. Although the parties appear to agree that the November 2, 2021 date was a renewal (or at least not the first LTC ever issued to Ms. Estrella), the previous LTC (including an issue date and address) is not part of the record here. Further, the City did not submit any reliable records detailing an alleged transfer of firearms to Ms. Estrella in 2020. Rather, the City appears to rely on its own assertions raised in a prior bypass letter, and is asking the Commission to accept them as fact. This hearsay evidence, standing alone, falls far short of meeting the relevant preponderance of evidence standard to show that Ms. Estrella’s actions, as alleged by the City, violated the firearms laws in Massachusetts.

under “dates of residence: From \_\_\_\_ To \_\_\_\_”, the background investigator left the “from” field blank and entered “2 years” in the “to” field. (Exhibit 10)

50. Another neighbor reference form identifies a neighbor in Brockton, but, under “dates of residence: From \_\_\_\_ To \_\_\_\_”, the background investigator left both the “from” and “to” fields blank. (Exhibit 10)

### *Legal Standard*

The core mission of Massachusetts civil service law is to enforce “basic merit principles” for “recruiting, selecting and advancing of employees on the basis of their relative ability, knowledge and skills” and “assuring that all employees are protected against coercion for political purposes, and are protected from arbitrary and capricious actions.” G.L. c. 31, § 1. *See, e.g., Mass. Ass’n of Minority Law Enforcement Officers v. Abban*, 434 Mass. 256, 259 (2001); *MacHenry v. Civil Serv. Comm’n*, 40 Mass. App. Ct. 632, 635 (1995), *rev. den.*, 423 Mass. 1106 (1996).

Basic merit principles in hiring and promotion and other provisions of the civil service law call for regular, competitive qualifying examinations, open to all qualified applicants, from which eligible lists are established, ranking candidates according to their exam scores, along with certain statutory credits and preferences, from which appointments are made, generally, in rank order, from a “certification” of the top candidates on the applicable civil service eligible list, using what is called the 2n+1 formula. G.L. c. 31, §§ 6-11, 16-27; Personnel Administration Rules, PAR.09. In order to deviate from that formula, an appointing authority must provide specific, written reasons—positive or negative, or both, consistent with basic merit principles—to affirmatively justify bypassing a higher-ranked candidate in favor of a lower-ranked one. G.L. c. 31, § 27; PAR.08(4).

A person may appeal a bypass decision under G.L. c. 31, § 2 (b) for de novo review by the Commission. The Commission's role is to determine whether the appointing authority has shown, by a preponderance of the evidence, that it has "reasonable justification" for the bypass after an "impartial and reasonably thorough review" of the relevant background and qualifications bearing on the candidate's present fitness to perform the duties of the position.

*Boston Police Dep't v. Civil Service Comm'n*, 483 Mass. 474, 478 (2019); *Police Dep't of Boston v. Kavaleski*, 463 Mass. 680, 688-89 (2012); *Beverly v. Civil Service Comm'n*, 78 Mass. App. Ct. 182, 187 (2010); *Leominster v. Stratton*, 58 Mass. App. Ct. 726, 727-28 (2003).

"Reasonable justification . . . means 'done upon adequate reasons sufficiently supported by credible evidence, when weighed by an unprejudiced mind, guided by common sense and by correct rules of law'". *Brackett v. Civil Service Comm'n*, 447 Mass. 233, 543 (2006); *Commissioners of Civil Service v. Municipal Ct.*, 359 Mass. 211, 214 (1971) and cases cited. *See also Mayor of Revere v. Civil Service Comm'n*, 31 Mass. App. Ct. 315, 321 (1991) (bypass reasons "more probably than not sound and sufficient").

Section 2(b) of G.L. c. 31 gives the Commission's de novo review "broad scope to evaluate the legal basis of the appointing authority's action" and it is not necessary for the Commission to find that the appointing authority acted "arbitrarily and capriciously." *Cambridge v. Civil Service Comm'n*, 43 Mass. App. Ct. 300, 303-305, *rev. den.*, 428 Mass. 1102 (1997). However, appointing authorities are vested with a degree of discretion in selecting public employees of skill and integrity. The Commission "cannot substitute its judgment about a valid exercise of discretion based on merit or policy considerations by an appointing authority" unless there are "overtones of political control or objectives unrelated to merit standards or

neutrally applied public policy[;] then the occasion is appropriate for intervention by the commission.” *Id.*

### *Analysis*

The City has failed to prove, by a preponderance of the evidence, that it conducted a fair, impartial and *sufficiently thorough* review that resulted in valid reasons that bear negatively on the Appellant’s current fitness to perform the duties and responsibilities of a Brockton firefighter.

First, the City failed to submit into evidence a simple background investigation report outlining the findings of the investigator to support the reasons cited in the bypass letter. Ms. Estrella submitted the City’s “neighbor reference forms” used in her background investigation, that the City’s assigned background investigator failed to complete - including the dates of her residence.

Second, the City failed to call the background investigator as a witness. Instead, the City’s sole witness was the Fire Chief, who admittedly did not question any of the candidates during the interview process. During his testimony, the Chief referenced verbal updates he received from the investigator. He struggled at times to recall key details of the background investigation that would support the City’s bypass reasons.

Third, while the City relied heavily on a conclusion that Ms. Estrella violated the state’s firearms law, they failed to produce sufficient evidence to prove that. The City relied on statements contained within the City-issued bypass letter from a previous hiring cycle, expecting the Commission to accept those assertions as fact with no supporting documentation. Further, it appears that the City did not even ask the Appellant to produce the LTC that she apparently possessed during the applicable residency period.

The City's dearth of evidence and lack of thoroughness is particularly troubling given the damning and potentially career-damaging conclusions of the Department, whose make-up is 86% white and 99% male, that a female candidate of color is "untruthful" and "deceptive". A finding that an applicant for a public safety position has violated the duty of truthfulness requires that any such charges must be *carefully scrutinized* so that the applicant is not unreasonably disparaged for honest mistakes or good faith mutual misunderstandings. *See, e.g., Morley v. Boston Police Dep't*, 29 MCSR 456 (2016) (candidate unlawfully bypassed on misunderstanding appellant's responses about his "combat" experience); *Lucas v. Boston Police Dep't*, 25 MCSR 420 (2012) (mistake about appellant's prior medical history).

Fourth, even if Ms. Estrella, as alleged, failed to timely update her LTC, the City has failed to show that there was some nefarious intent or that the failure to do so makes her unfit to be a Brockton firefighter. The City does not dispute that there was a backup from law enforcement in getting a replacement LTC, due to circumstances beyond Ms. Estrella's control.

Fifth, the cursory notes from interview panelists, at least one of whom the Fire Chief struggled to identify because the panelist failed to list his name, were not sufficiently reliable to prove dishonesty on the part of Ms. Estrella. Ironically, the Fire Chief appeared unfazed by the failure of an incumbent member of his command staff to follow instructions and simply list his name on the interview panelist form, a glaring double-standard when compared against the high standard expected of Ms. Estrella regarding the need to provide required information.

Sixth, a fundamental question related to Ms. Estrella's residency was whether she resided continuously in Brockton from March 21, 2019 to March 21, 2020. Setting aside the issue of the LTC, for which the City has not provided sufficient evidence to support its conclusions, a large trove of documents supports Ms. Estrella's assertion that she did indeed meet this requirement,

including bank statements, mortgage statements, a homeowner's insurance policy and RMV records.

Seventh, I conclude that the City failed to account for numerous positive attributes presented by Ms. Estrella or explain how those attributes outweighed the alleged problems with her application. The City's review process neglected Ms. Estrella's rather remarkable success story. She grew up in Brockton, went to live with her grandparents in Brighton where she became president of the national honor society in high school, served our country on active military duty in Kosovo, and then returned to attain a bachelor's degree and embark on a successful career in property management. While years of Commission and judicial decisions establish that Appointing Authorities have discretion in weighing a candidate's positives against their negatives, they *do not* have the discretion to ignore the accomplishments of a candidate and unfairly tarnish that candidate's reputation without a careful, thoughtful review supported by a preponderance of the evidence.

Finally, I have not overlooked the City's new-found reason for bypassing the Appellant – an allegation that she falsely claimed a homestead exemption for a property she recently purchased on “T” Street in Brockton, despite never living there.

The homestead exemption was omitted in the bypass letter and, prior to accepting that as a disqualifying factor in any future bypass, the Commission expects the City to produce evidence that *all* candidates for appointment, including in this most recent hiring cycle, were held to the same standard in this regard.

Specifically, the Department must show that it has established a standard – for all candidates – that such alleged violations are a disqualification for appointment as a Brockton firefighter. For example, does the Department inquire whether a candidate violated tax laws by

working under the table, failing to declare tipped wages or lottery earnings, or committed other arguably fraudulent acts such as remaining on a parent's health insurance plan for longer than permitted, etc.?

This is not meant to diminish the need for all candidates to be truthful and to comply with laws and regulations. Rather, in the broader context of this appeal, given the need to ensure that all candidates face a level playing field, and that the homestead exemption was not listed as a reason for bypass, I may not consider it as a valid reason for bypass. PAR.08(4).<sup>6</sup> *See, e.g., Nardone v. Peabody*, 34 MCSR 70, 77 n.8 (2021); *Trubitsyn v. Department of Correction*, 28 MCSR 330, 333 (2015); *Camacho v. Mass. Environmental Police*, 28 MCSR 18, 20 (2015).

#### *Conclusion*

For all the reasons stated above, the appeal of Yasmine Estrella filed under Docket No. G1-23-055 is hereby *allowed*.

Pursuant to its authority under Chapter 310 of the Acts of 1993, the Commission hereby orders the following:

1. The state's Human Resources Division shall place the name of the Appellant at the top of any future certifications for Brockton firefighter until the Appellant has been appointed or bypassed.
2. As part of any future hiring cycle regarding the appointment of firefighters, all interviews of candidates shall be audio and video recorded with the recording preserved for review by the Commission in the event of any bypass appeal(s).

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<sup>6</sup> Under the Personnel Administration Rules, PAR.08(4): "No reasons that are known or reasonably discoverable by the appointing authority, and which have not been disclosed to the Personnel Administrator, shall later be admissible as reasons for selection or bypass in any proceeding before the Personnel Administrator or the Civil Service Commission."

3. The City shall work to ensure that its interview panel is representative of the community it serves, both in terms of sex and race, and shall develop questions and criteria (beyond poise, appearance, confidence, etc.) that provide a more accurate assessment of a candidate's ability to perform the essential functions of a firefighter.

Once the City has provided the above-referenced relief, it shall notify the Commission, copying the Appellant, so the Commission can determine whether the Appellant's name shall no longer be placed at the top of certifications issued to the City for the position of firefighter.

Civil Service Commission

/s/ Angela C. McConney  
Angela C. McConney  
Commissioner

By vote of the Civil Service Commission (Bowman, Chair; Dooley, McConney, Stein and Tivnan, Commissioners) on April 18, 2024.

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:

Joseph Donnellan, Esq. (for Appellant)  
Allison Cogliano, Esq. (for Respondent)  
Sheila Gallagher, Esq. (HRD)  
Regina Caggiano (HRD)