

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

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

EVAN FERNANDES,

Appellant

v.

**TOWN OF WEST
SPRINGFIELD,**

Respondent

Case No.: G1-19-008

ORDER OF DISMISSAL

The Appellant, Evan Fernandes, filed this appeal with the Civil Service Commission (Commission) pursuant to G.L. c.31, § 2(b) when he was bypassed for the position of permanent full-time firefighter in the Town of West Springfield (Town)'s Fire Department.

On January 31, 2019, the Commission, accepting a joint request of the parties and, pursuant to the powers of relief inherent in Chapter 534 of the Acts of 1976 as amended by Chapter 310 of the Acts of 1993, ordered the following:

- Mr. Fernandes shall obtain his EMT certification on or before April 27, 2019.
- Thereafter, Mr. Fernandes shall have one (1) week to provide the Town with verification that he has obtained his EMT certification.
- Upon receiving verification that Mr. Fernandes has obtained his EMT certification, the Town shall notify the Commission forthwith.
- The Commission will then order the Human Resources Division to place the name of Evan Fernandes at the top of the next Certification for permanent, full-time firefighter in the Town of West Springfield until such time as he has been appointed or bypassed.
- Should Mr. Fernandes not obtain his EMT certification on or before April 27, 2019, this appeal shall be dismissed forthwith.

On May 6, 2019, the Town notified the Commission that they had not received any evidence from Mr. Fernandes that he had obtained his EMT certification.

That same day, counsel for Mr. Fernandes filed a motion to extend time the time to obtain the EMT certification stating that Mr. Fernandes had completed the EMT course; was scheduled to take the examination on June 5, 2019; and anticipated receiving his EMT certification on or before June 15, 2019, at which time he would notify the Town within one week.

On June 24, 2019, the Town notified the Commission that they had not received any evidence from Mr. Fernandes that he had received his EMT certification.

For this reason, Mr. Fernandes's appeal under Docket No. G1-19-008 is hereby *dismissed*.

Civil Service Commission

/s/ Christopher Bowman

Christopher C. Bowman

Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Stein and Tivnan, Commissioners) on July 18, 2019.

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)(1), 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:

Thomas Kenefick, III, Esq. (for Appellant)

Kate O'Brien, Esq. (for Respondent)

Mark Detwiler, Esq. (HRD)

Regina Caggiano (HRD)