

**COMMONWEALTH OF MASSACHUSETTS**

**CIVIL SERVICE COMMISSION**

100 Cambridge Street, Suite 200  
Boston, MA 02114

**MICHAEL FINKLEA,**  
Appellant

v.

**BOSTON HOUSING AUTHORITY,**  
Respondent

Docket Number: D1-25-149

Appearance for Appellant: Pro Se  
Michael Finklea

Appearance for Respondent: Susan M. Whalen, Esq.  
24 Russell Street  
Charlestown, MA 02129

Commissioner: Christopher C. Bowman

**SUMMARY OF DECISION**

The Commission dismissed the termination appeal of a housing authority employee based on lack of jurisdiction as the employee had not been employed by the housing authority for at least five continuous years at the time of his termination.

**DECISION ON RESPONDENT'S MOTION TO DISMISS**

On June 24, 2025, the Appellant, Michael Finklea (Appellant), pursuant to G.L. c. 31, § 43 and G.L. c. 121B, § 29, filed an appeal with the Civil Service Commission (Commission), contesting the decision of the Boston Housing Authority (Housing Authority) to terminate his employment as a custodian. On July 22, 2025, I held a remote pre-hearing conference which was attended by the Appellant and counsel for the Housing Authority. The Housing Authority filed a motion to dismiss the Appellant's appeal based

on lack of jurisdiction.

It is undisputed that the Appellant was appointed by the Housing Authority on September 5, 2023 and terminated effective April 4, 2025.

*Rules Related to Motion to Dismiss*

Pursuant to the Standard Adjudicatory Rules of Practice and Procedure 801 CMR 1.01 (7)(g)(3), “[t]he Presiding Officer may at any time, on his own motion or that of a Party, dismiss a case for lack of jurisdiction to decide the matter ... .”

*Law Related to Commission’s Jurisdiction over Housing Authority appeals*

Section 29 of G.L. c. 121B states in relevant part:

No employee of any housing authority, except an employee occupying the position of executive director, who has held his office or position, including any promotion or reallocation therefrom within the authority for a total period of five years of uninterrupted service, shall be involuntarily separated therefrom except subject to and in accordance with the provisions of sections forty-one to forty-five, inclusive, of said chapter thirty-one to the same extent as if said office or position were classified under said chapter.

*Analysis*

Here, there is no dispute that the Appellant has not been employed by the Housing Authority for at least five years. Rather, the Appellant has been employed by the Housing Authority for less than two years. For that reason, the Commission lacks jurisdiction to hear this appeal and the Appellant’s appeal must be dismissed.

*Conclusion*

The Appellant’s appeal under docket number D1-25-149 is hereby ***dismissed***.

Civil Service Commission

/s/ Christopher Bowman  
Christopher C. Bowman  
Chair

By vote of the Civil Service Commission (Bowman, Chair; Markey, McConney and Stein, Commissioners [Dooley – Absent]) on July 31, 2025.

Either party may file a motion for reconsideration within ten days of 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:

Michael Finklea (Appellant)

Susan M. Whalen, Esq. (for Respondent)