

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

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

**FIREFIGHTER J,**  
*Appellant*

v.

**CITY OF TAUNTON,**  
*Respondent*

**D1-22-XXX<sup>1</sup>**

**DECISION**

Pursuant to G.L. c. 31, § 2(b) and/or G.L. c. 7, § 4H, a Magistrate from the Division of Administrative Law Appeals (DALA) was assigned to conduct a full evidentiary hearing regarding this matter on behalf of the Civil Service Commission (Commission).

Pursuant to 801 CMR 1.01(11)(c), the Magistrate issued the attached Tentative Decision, and the parties had thirty days to provide written objections to the Commission. The Appellant submitted objections on February 10, 2023, and the Respondent filed a response on March 27, 2023.

After careful review and consideration, the Commission voted to affirm and adopt the Tentative Decision of the Magistrate, with the exception of one finding discussed below, thus making this the Final Decision of the Commission. A preponderance of the evidence establishes that there was just cause to terminate the Appellant from his position as firefighter in the City of Taunton.

The Commission does not accept the Magistrate’s finding that G.L. c. 31, § 50 formed a basis for the Appellant’s termination.<sup>2</sup> The City did not cite G.L. c. 31, § 50 as a reason for its decision to terminate the Appellant, thus the Commission does not adopt the finding that G.L. c. 31, § 50 could have served as a basis for the termination.

The Commission now examines the City’s reasons for terminating the Appellant from his position as firefighter. The record demonstrates a history of repeated infractions by the Appellant over the course of thirteen years:

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<sup>1</sup> After careful review, the Commission opted to use a pseudonym for the Appellant to appropriately balance his privacy interests with the Commission’s statutory obligation to provide the public with a transparent record of its deliberative process and interpretation of civil service law. For more information, see [Civil Service Commission Protocols to Protect Privacy](#).

<sup>2</sup> G.L. c. 31, § 50 provides: “No person habitually using intoxicating liquors to excess shall be appointed to or employed or retained in any civil service position . . . .”

- January 2008 – The Appellant exceeded, over the prior year, the rather generous annual allotment of sick leave the City affords its firefighters.
- June 2012 – The Appellant arrived at work three hours late and without his uniform.
- November 2012 – The Appellant overdrew his sick-time balance for a second time.
- March 2013 – The Appellant overdrew his sick-time balance for a third time.
- June 2013 – The Appellant missed thirty-four hours of work (an entire twenty-four-hour shift, and ten hours of another shift).
- April 2014 – The Appellant could not properly connect a hose to a fire hydrant during a dangerous industrial fire, despite having been a firefighter for eight years at that point.
- April 2014 – The Appellant failed to complete an EMT course that had limited slots, thereby wasting a training opportunity that could have been used by another firefighter.
- May 2014 – The Appellant arrived late and without his uniform to a training session for which he was being paid overtime to attend.
- March 2019 – The Appellant arrived at work intoxicated and abruptly left against orders, causing his assigned fire engine to be out of commission for over two hours while the Department scrambled to find someone to cover his shift without notice.
- September 2020 – The Appellant overdrew on his sick-time balance for a fourth time.
- June 2021 – The Appellant overdrew his sick-time balance for a fifth time.

(*Tentative Decision*, pp. 2-10). The Appellant received numerous oral and written warnings, as well as training for deficient performance. (*Id.* at 9, 11). The City was exceptionally patient in dealing with the Appellant’s numerous infractions, and it has indisputably met its burden of showing just cause for termination.

“Just cause” is defined by “substantial misconduct which adversely affects the public interest by impairing the efficiency of the public service.” *Brookline v. Alston*, 487 Mass. 278, 292 (2021), quoting *Doherty v. Civil Serv. Comm’n*, 486 Mass. 487, 493 (2020). “Such misconduct is generally understood to include . . . a failure to perform duties or meet job requirements.” *Alston*, 487 Mass. at 292 (2021) (citations omitted). Importantly, civil service law permits “the removal of those who have proved to be incompetent or unworthy to continue in the public service.” *School Comm. of Brockton v. Civil Serv. Comm’n*, 43 Mass. App. Ct. 486, 488 (1997), quoting *Cullen v. Mayor of Newton*, 308 Mass. 578, 581 (1941). The Appellant repeatedly failed to perform duties and meet job requirements over the course of his fourteen-year career with the Taunton Fire Department. His excessive absenteeism, tardiness, and inability to conform to basic job expectations repeatedly impaired the efficiency of the Department, negatively impacted coworkers, and adversely affected the public interest.

The City of Taunton’s decision to terminate the Appellant is affirmed and the appeal of Firefighter J, Docket No. D1-22-XXX, is hereby ***denied***.

Civil Service Commission

/s/ Christopher C. Bowman  
 Christopher C. Bowman  
 Chair

By vote of the Civil Service Commission (Bowman, Chair; McConney, Stein, and Tivnan, Commissioners [Dooley, Commissioner—Absent]) on April 20, 2023.

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:

Daniel F. de Abreu, Esq. (for Appellant)

David T. Gay, Esq. (for Respondent)

James Rooney, Esq. (Chief Administrative Magistrate, DALA)

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

**Division of Administrative Law Appeals**

J. [REDACTED],  
Petitioner

v.  
Civil Service Docket No. D1-22-  
**City of Taunton,**  
Respondent

DALA Docket No. CS-22-[REDACTED] [REDACTED]

**Appearance for Petitioner:**

Daniel F. deAbreu, Esq.  
Brennan, Recupero, Cascione, Scungio  
& McCallister, LLP 174 Dean Street,  
Unit B Taunton, MA 02780

**Appearance for Respondent:**

David T. Gay, Esq.  
City of Taunton Law Department 15  
Summer Street  
Taunton, MA 02780

**Administrative Magistrate:**

Kenneth J. Forton

**SUMMARY OF TENTATIVE DECISION**

The Petitioner was terminated from his position as a City of Taunton firefighter based on 14 years of infractions, including abuse of sick time, absenteeism, inefficacy, and general apathy towards the department. Petitioner alleges to have been suffering from a mental health crisis that caused his poor performance, and attended a recovery program in 2021 to treat his alcoholism. At the hearing in this matter, Petitioner admitted to an ongoing problem with alcohol that he is presently doing nothing to address. On one occasion, he reported to work intoxicated and drove home intoxicated. G.L. c. 31, § 50 prohibits habitual users of intoxicating liquors from serving in civil service positions. Therefore, Petitioner's termination is affirmed.

**TENTATIVE DECISION**

The City of Taunton terminated appellant J ██████████ from his firefighter position. Mr. ██████████ appealed to the Civil Service Commission, which referred the appeal to DALA. I held an evidentiary hearing on August 4, 2022 at the Civil Service Commission. I recorded the hearing digitally. Mr. ██████████ testified on his own behalf. Captain Patrick John O’Brien, Lt. Kevin Charles Farrah, John Anthony Montero, and Chief Timothy Bradshaw testified on behalf of the City. I admitted into evidence exhibits marked P1-P9 and R1-R31.

**FINDINGS OF FACT**

I make the following findings of fact:

1. J ██████████ began working for the Taunton Fire Department in 2006. He attended the Fall River Firefighting Academy before he began as a firefighter. Mr. is a ██████████ member of the Army National Guard and served in Afghanistan. In addition to firefighting, he has driven for Uber and Lyft for the past five years.

(Bradshaw test., O’Brien test., ██████████ test.)

2. In 2007, Mr. ██████████ requested a leave of absence from the fire department. (Ex. R1.)

3. In December 2007, Mr. ██████████ took three days of sick leave. He did not have enough sick time to cover all three days with pay. As a result, his sick leave balance dropped into the negative and his pay was docked accordingly. (Ex. R3.)

4. Soon thereafter, Mr. ██████████ left the fire department for some time to train for the Taunton Police Department. He began at the police academy, but after a

brief time there, Mr. ██████████ resigned and returned to the fire department. (Exs. R4, R5.)

5. On June 5, 2012, Mr. ██████████ was issued a written warning for arriving to work over two hours and 30 minutes late. He was not paid for the missed time. Mr. ██████████ acknowledge the written warning. (Exs. R7, R8.)

6. Between January 30, 2012 and November 30, 2012, Mr. ██████████ took more than his allotted 15 sick days. His pay was again docked accordingly. (Exs. R9, R10.)

7. On March 28, 2013, Chief Timothy Bradshaw sent Mr. ██████████ a letter stating that his overuse of sick days violated Taunton’s Sick Time Policy, which had been in effect since 2010 (an updated policy has been in effect since 2014). The letter detailed that in his six years of employment, Mr. ██████████ had used 103 days of sick time, but had been entitled to only 98 days. 82 of the 103 days were Friday, Saturday, or Sunday. Chief Bradshaw attached a copy of the Sick Time Policy to the letter. (Exs. R6, R11; Bradshaw test.)

8. Taunton’s Sick Time Policy prohibits “taking a disproportionate amount of sick days on or about weekends.” (Ex. R6.)

9. Between January 1, 2013 and December 31, 2013, Mr. ██████████ again overdraw his sick leave balance by a quarter of a day. His pay was docked accordingly. (Ex. R12.)

10. On June 8, 2013, Mr. ██████████ skipped an overtime shift monitoring a public event for school children that he had promised to cover four days earlier. When

asked about his absence three days later, Mr. [REDACTED] claimed to have forgotten about the commitment. (Ex. R13.)

11. On June 28, 2013, Chief Bradshaw issued Mr. [REDACTED] a written warning for skipping the June 8, 2013, overtime shift. The letter also reprimanded Mr. [REDACTED] for missing an entire 24-hour shift on June 18, 2013, and a ten-hour period during a June 20, 2013, shift. (Ex. R14; Bradshaw test.)

12. On April 12, 2014, Mr. [REDACTED] behaved erratically while helping fight an industrial fire on 50 John Hancock Road. The acting Captain on the scene informed the firefighters that the fire had reached the roof level, which made it exceptionally dangerous. The firefighters required a fire hose long enough to reach the building. Mr. [REDACTED] failed to connect the hose to the hydrant. Instead, Mr. [REDACTED] disconnected the hydrant assist valve—an adapter needed to connect the hose to a hydrant—from the hose. He then attempted to connect the hose to the hydrant without the assist valve. Patrick O’Brien, a Lieutenant at the time, saw Mr. [REDACTED] struggling at the hydrant and handed him the assist valve. Mr. [REDACTED] also failed to retrieve the hydrant tool bag, which is kept in the same place on all Taunton fire trucks, to make the hose connection. After Mr. [REDACTED] finally connected the hose to the hydrant, he draped the hose over a guardrail, thus risking kinks and inconsistent water flow and pressure. While the department was fighting the fire, Mr. [REDACTED] abandoned his station twice to talk with other firefighters at the scene, who later testified that Mr. [REDACTED] demonstrated a surprising inability to understand firefighter terminology. (Ex. R18; O’Brien test.)

13. Later, at the instruction of the Deputy Chief, Lt. O'Brien conducted an informal training exercise based on a simulation of the April 12, 2014 fire to ensure that Mr. —who had been a firefighter for 8 years by that time—knew how to connect a fire hose to a hydrant. At the training exercise, Mr. again disconnected the assist valve—which comes pre-connected to the hose to save time—while trying to connect the hose to the hydrant. Lt. O'Brien reminded Mr. that he should never detach the pre-attached hydrant assist valve. He also had to remind him where the hydrant tool bag was. These were not mistakes a firefighter with 8 years of experience would be expected to make. (Ex. R18; O'Brien test., Farrah test.)

14. Mr. was never qualified to drive a fire engine. ( , Bradshaw test.)

15. On April 26, 2014, Mr. received a letter from Jolene R. Sheehan, an EMT instructor, informing him that he had thus far missed 26 hours of the EMT training program he was enrolled in. The maximum amount of time that could be missed under the program's attendance policy was 16 hours. Ms. Sheehan stated that Mr. would be eligible for EMT certification if he completed the chapters he had missed in the program workbook and attended the remaining classes. Although Mr. did not complete workbook assignments, he was absent for the final exam and made no attempt to reschedule it. (Exs. R15, R17; Bradshaw test.)

16. On May 13, 2014, Mr. was issued a verbal warning after arriving late to a 9-1-1 training he was paid overtime to attend. Lt. Kevin Farrar had told him to appear in uniform for the training. Mr. was the only firefighter not to appear in uniform. Lt. Farrar sent Mr. home to get his uniform. (Ex. R16; Farrah test.)



17. On June 9, 2014, Chief Bradshaw sent Mr. [REDACTED] another written warning summarizing all his documented warnings and infractions since 2008 and reminding him that all these events were documented in his personnel file. The warning informed Mr. [REDACTED] that his failure to complete the EMT course deprived another firefighter of the opportunity to be trained, as there was limited availability for the course. Chief Bradshaw expressed concern over Mr. [REDACTED]'s apathy and implored him to make a heightened effort at work. (Ex. R19; Bradshaw test.)

18. Mr. [REDACTED] was consistently viewed as the weakest link by his peers and supervisors and, although his absences were a hindrance, his coworkers often felt relieved or "happy" when he was not there. (Farrah test.)

19. On the evening of March 17, 2019, Mr. [REDACTED] was observed arriving to work smelling strongly of alcohol and menthol, and he was slurring his words. To prevent him from driving drunk his superior instructed him to stay on the premises. However, because his car was blocking other firefighters' vehicles from exiting, he was permitted to move his car. After leaving to move his car, he did not return to work. Lt. Jonathan Nunes called Mr. [REDACTED] and confirmed that he had made it safely to his home. As a result of his apparent intoxication and failure to complete his shift, the fire engine Mr. [REDACTED] was assigned to was out of commission for about 2 hours as the department attempted to find someone who could cover his shift. (Ex. R20; Montero test.)

20. On April 19, 2019, Chief Bradshaw sent a disciplinary letter to Mr. [REDACTED] detailing all his infractions to that date, including the drunk driving incident. As d [REDACTED] Mr. [REDACTED] was taken off the overtime detail list for 90 days. Chief

Bradshaw warned Mr. ██████████ that he would recommend significant punitive action to the city council (the appointing authority in Taunton) following another infraction. (Ex. R21; Bradshaw test.)

21. On September 8, 2020, Mr. ██████████ overdrew his sick time balance once again after failing to attend a 24-hour shift. He had used 19 sick days in a 12-month period, 4 days more than he was allotted. On September 16, 2020, Chief Bradshaw suspended Mr. ██████████ without pay for two shifts. (Ex. R23; Bradshaw test.)

22. On June 15, 2021, Mr. ██████████ again overdrew his sick time balance after not reporting to work for another 24-hour shift. He had enough sick time to cover only 10 hours of the shift, so his pay was docked for the balance again. On June 21, 2021, Chief Bradshaw emailed Attorney David Gay at the City of Taunton Law Department about setting up a disciplinary hearing for Mr. ██████████ in front of the City Council. The email detailed a list of Mr. ██████████'s infractions to date. (Exs. R22, R24, R25; Bradshaw test.)

23. On June 21, 2021, the same day Chief Bradshaw emailed Attorney Gay, Mr. ██████████ visited an Urgent Care facility and was diagnosed with Major Depressive Disorder. The Urgent Care records indicate that he was referred to the Good Samaritan Hospital, where Mr. ██████████ went to the emergency room. (Appellant's Exs. R8, R9; ██████████

24. The hospital recommended a daily recovery program at Gosnold that met from 9:30 a.m. to 2:30 p.m. four days per week. He began the program on June 23, 2021. The program's intake form for Mr. ██████████ identified severe depression, anxiety, poor physical health, and high blood pressure as ailments. After he was admitted to the

program, he was later diagnosed with severe depression and anxiety, high blood pressure, and alcoholism. (Appellant's Ex. R7; [REDACTED] test.)

25. Mr. [REDACTED] claimed that he attended the Gosnold program by Zoom every day and that it was helpful, but admitted at the hearing in this matter that he continues to struggle with alcohol. In fact, on July 4, 2021, while he was taking part in the recovery program, he binge-drank to excess. Mr. [REDACTED]'s family set up a Zoom call with the recovery program and he was directed to report immediately to the facility and attend the rest of the meetings in person. He completed the Gosnold program on July 23, 2021. He also said that he consulted a psychiatrist who "was actually blaming it on me like I was the problem. Maybe I am I don't know." He admitted, "I should have gotten help a lot earlier." He was prescribed medication. (Ex. P7; [REDACTED] test.)

26. Chief Bradshaw admitted that the Fire Department was usually not particularly harsh when punishing firefighters with problems like Mr. [REDACTED]'s. Then again, only one other firefighter went negative once on his sick time balance during the period when Mr. [REDACTED] went negative several times. Similarly, between five and eight firefighters have used the Employee Assistance Program (EAP) for help with personal matters like excessive drinking. None were reprimanded for using EAP and many returned successfully. But, unlike Mr. [REDACTED], those firefighters stopped drinking. (Bradshaw test.)

27. On June 21, 2021, Chief Bradshaw requested that the City schedule a civil service termination hearing, citing Mr. [REDACTED]'s abuse of sick time and apathy towards his job. The letter listed the following events as reasons for recommending termination: January 2008—Mr. [REDACTED]'s sick time balance went into the negative.

June 2012—Mr. ██████████ showed up to work three hours late without his uniform and was issued a written warning.

November 2012—Mr. ██████████'s sick time balance went into the negative for the second time.

March 2013—Mr. ██████████'s sick time balance went into the negative for the third time. He was issued a written warning and was given the SickTime Policy.

June 2013—Mr. ██████████ failed to show up for an overtime shift that he was scheduled for. He received a written warning and was taken off the overtime detail list for 90 days.

May 2014—Mr. ██████████ showed up to a paid training session without his uniform and received a written warning.

June 2014—Mr. ██████████ failed to locate the hydrant bag in the fire truck engine, did not properly connect the fire hose to the hydrant, and abandoned his post twice during an industrial fire. He was given personalized training to remedy these lapses in ability.

June 2014—Mr. ██████████ did not appear for the final exam for EMT certification. He did not attempt to make up for his absence or to reimburse the Department. He was issued another written warning.

March 2019—Mr. ██████████ showed up to work intoxicated. He received a written warning and was removed from overtime details for 90 days.

September 2020—Mr. ██████████ went into a negative sick time balance for a fourth time and was suspended for 24 hours.

June 15, 2021—Mr. ██████████ went into a negative sick time balance for a fifth time and remained on the sick board until the 17<sup>th</sup>. (Ex. R25.)

28. On July 1, 2021, Attorney Gay submitted a request for a disciplinary hearing to the members of the City Council. (Ex. R26.)

29. On July 13, 2021, the City Council sent Mr. ██████████ notice of a disciplinary hearing scheduled for July 20, 2021 at 7:00 p.m. This hearing was scheduled during the period that Mr. ██████████ was enrolled in the recovery program, which ran from 9:30 a.m. to 2:30 p.m. This hearing was ultimately not held while the parties tried to negotiate a settlement. (Ex. R27.)

30. On January 13, 2022, Attorney Gay requested another disciplinary hearing before the City Council. (Ex. R28.)

31. On February 10, 2022, the City Council notified Mr. ██████████ of the hearing, scheduled for February 17, 2022 at 6:00 p.m. (Ex. R29.)

32. At the February 17, 2022 hearing, the City Council decided to terminate Mr. ██████████'s employment with the Taunton Fire Department. (Ex. R30.)

33. Mr. ██████████ timely appealed his termination to the Civil Service Commission. (Stipulation.)

### DISCUSSION

The Civil Service statute states that “a tenured employee shall not be discharged, removed, or suspended for more than five days” without just cause. G.L. c. 31, § 41. Just cause requires credible evidence that is weighed by unprejudiced minds, guided by common sense, and determined by correct rules of law. *Mayor of Beverly v. First*

*District Court of Essex*, 327 Mass. 56 (1951). Just cause can also be established if an employee’s misconduct adversely affects the public interest by impairing the efficiency of public service. *City of Cambridge v. Baldasaro*, 50 Mass. App. Ct. 1 (2000). Just cause must be found in the absence of unfair treatment based on the employee’s political affiliation, race, color, age, national origin, sex, marital status, handicap, or religion. G.L. c. 3, § 4. The civil service law is meant to protect upright civil servants from arbitrary removal, not to shield the inefficient and unworthy. *See Whitney v. Judge of the District Court of North Berkshire*, 271 Mass. 448 (1930).

The City of Taunton met its burden by showing that there was indisputable just cause for Mr. ██████████’s termination. The City of Taunton demonstrated a fourteen-year pattern of continuous infractions—most notably, abuse of sick leave and absenteeism. In one instance, Mr. ██████████ abruptly left work against orders, and the fire engine that he was assigned to was out of commission for over two hours because no one was there to run it. He received numerous oral and written warnings. *See Exs. 3, 6, 9, 10, 11, 12, 22, 23, 24, 25.* Mr. ██████████ failed to complete EMT training by skipping the final exam. When given an opportunity to make up the exam, he failed to do so. This failure wasted a classroom slot that would have been given to someone else. Additionally, Mr. ██████████ failed to appear for a requested overtime shift at a public safety demonstration for children.

Mr. ██████████’s inability to report for scheduled shifts or perform basic duties impaired the efficacy of the fire department. Mr. ██████████ has worked for the Taunton Fire Department since 2006 but was never qualified to drive a fire engine. Even after working eight years as a firefighter, Mr. ██████████ did not know how to connect a hose to

a hydrant. Nor did he know where the hydrant tool bag was located on a fire engine, despite the hydrant bag being in the same place on every engine in the fleet. His poor performance hindered other firefighters putting out a serious industrial fire. Fortunately, the fire was put out safely and there were no injuries. Mr. [REDACTED] repeated the same mistakes during a subsequent training session designed to address his lack of basic firefighting knowledge.

Appointing authorities may additionally “terminate an employee for just cause if the employee is physically or psychologically incapable of performing the essential function of his or her position.” *Melchionno v. Somerville Police Dep’t*, 20 MCSR 443, 450 (Apr. 26, 2007); see *Perry v. Town of Plymouth*, 6 MCSR 84, 85 (Apr. 15, 1993), citing *Turban v. Comptroller’s Office*, D-3393, CS-89-422 (1989). This includes substance abuse, as “no person habitually using intoxicating liquors to excess shall be appointed to or employed or retained in any civil service position . . . .” G.L. c. 31, § 50.

Mr. [REDACTED] reported to work intoxicated by alcohol on at least one occasion and drove home while still intoxicated against the express orders of his superior. Mr. [REDACTED] is a [REDACTED] struggling with alcoholism throughout his firefighting career. It is not difficult to infer that alcoholism was at the root of his serious attendance problems. In fact, Mr. [REDACTED] admits that he still has a drinking problem. Although he eventually pursued treatment for his alcoholism, he drank excessively in the middle of his treatment period on July 4, 2021. He was immediately advised to return to the facility for face-to-face sessions. Mr. [REDACTED] finished the treatment program but has not sought further psychological help, despite his continued struggles with alcoholism. A preponderance of evidence supports the conclusion that Mr. [REDACTED] is still habitually using intoxicating

liquors to excess, and he is therefore disqualified from holding his civil service position.

*See* G.L. c. 31, § 50.

Mr. [REDACTED] maintains that he should not be terminated because the decision to refer him to the City Council for a termination hearing was made while he was experiencing a mental health crisis. He cites no particular authority for this argument.

Mr. [REDACTED] overdrew his sick time on June 15, 2021 and remained on the sick board for his next full shift. Then, coincidentally, the same day that Chief Bradshaw asked Attorney Gay to initiate termination proceedings, Mr. [REDACTED] visited an Urgent Care facility and was diagnosed with Major Depressive Disorder, reported to an emergency room, and was ultimately admitted to a month-long alcoholism treatment program. Mr. [REDACTED] informed the City the fact that he had been admitted to the treatment program.

He also failed to submit the relevant medical records at his termination hearing before the City Council. The program records document that Mr. [REDACTED] was diagnosed with severe depression and anxiety, high blood pressure, and alcoholism. It seems likely that he did not want to present those records at the City Council hearing because they demonstrate his troubles with alcohol. Now, after a hearing on the merits before me, Mr. [REDACTED] showing up at work intoxicated, driving home intoxicated against his superior's orders, overspending his sick bank on several occasions (significantly more often than any other Taunton firefighter) more likely than not because of his drinking, binge drinking during his alcoholism treatment, and admitting that he still has a drinking problem all lead me to conclude that he continues his active alcoholism. It is well within the appointing authority's discretion to terminate Mr. [REDACTED] for that reason.



For all the reasons stated above, Taunton has presented just cause to terminate

J ██████████ Accordingly, subject to review by the Commission, the City's decision is  
AFFIRMED and Mr. ██████████ appeal is DENIED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

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Kenneth J. Forton  
Administrative Magistrate

Dated: