

Comm

Commonwealth of Massachusetts

Appeals Court for the Commonwealth

At Boston,

In the case no. 08-P-813

ANTHONY GAUL

vs.

CITY OF QUINCY & another.

Pending in the Superior

Court for the County of Suffolk

Ordered, that the following entry be made in the docket:

Judgment affirmed.

RECEIVED  
2009 FEB 26 A 10:31  
COMMONWEALTH OF MASS.  
CIVIL SERVICE COMMISSION

By the Court,

Ashley Thorne

, Clerk

Date February 19, 2009.

NOTE:

The original of the within rescript  
will issue in due course, pursuant  
to M.R.A.P.23

APPEALS COURT

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

08-P-813

ANTHONY GAUL

vs.

CITY OF QUINCY & another.<sup>1</sup>

MEMORANDUM AND ORDER PURSUANT TO RULE 1:28

The plaintiff, Anthony Gaul, sought review in Superior Court under G. L. c. 30A, § 14, of a determination of the Civil Service Commission (commission) that was adverse to him. The parties filed cross motions for judgment on the pleadings. Gaul appeals from the allowance of the city of Quincy's motion, which had the effect of affirming the commission's dismissal of Gaul's appeal to that agency. We affirm.

After careful consideration of the record before us, we adopt the rationale of the Superior Court judge's well-reasoned decision, and conclude that the plaintiff has not demonstrated any error of law upon which the commission based its decision. As the judge stated, there was substantial evidence to support the commission's determinations that Gaul was a smoker, he previously had an abuse protection order entered against him, he did not provide complete information on his application, and he had a very poor driving record, which he failed to fully disclose

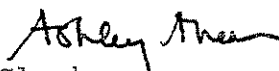
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<sup>1</sup> Civil Service Commission.

on his application. The evidence that Gaul smoked, which was supported in the record, alone justified the city's decision. See Plymouth v. Civil Serv. Commn., 426 Mass. 1, 5-6 (1997); G. L. c. 41, § 101A.

Judgment affirmed.

By the Court (Kantrowitz, Kafker  
& Meade, JJ.),

  
Clerk

Entered: February 19, 2009.