

**COMMONWEALTH OF MASSACHUSETTS**

**CIVIL SERVICE COMMISSION**  
One Ashburton Place: Room 503  
Boston, MA 02108  
(617) 979-1900

EAMON GEOGHEGAN,  
Appellant

v.

B2-21-118

HUMAN RESOURCES DIVISION,  
Respondent

Appearance for Appellant:

*Pro Se*  
Eamon Geoghegan

Appearance for Respondent:

Emily Sabo, Esq.  
Human Resources Division  
100 Cambridge Street; Suite 600  
Boston, MA 02114

Commissioner:

Christopher C. Bowman

**ORDER OF DISMISSAL**

On July 8, 2021, the Appellant, Eamon Geoghegan (Appellant), filed an appeal with the Civil Service Commission, contesting his education and experience (E&E) score on a recent promotional examination for police lieutenant. On July 27, 2021, I held a remote pre-hearing conference which was attended by the Appellant and counsel for the state's Human Resources Division (HRD).

As part of the pre-hearing conference, the parties stipulated to the following:

- A. The Appellant is a sergeant in the Boston Police Department (BPD).
- B. On August 29, 2020, the Appellant took a weighted, graded, delegated examination for Boston Police Lieutenant.
- C. The examination was initially scheduled to be held on June 25, 2020.

- D. The Appellant received an “assessment center” score of 41.82; a written (technical skills) score of 23.22; and an E/E score of 18.44, for a total score of 83.
- E. An eligible list for Boston Police Lieutenant was established on July 1, 2021.
- F. The Appellant is ranked in the 52<sup>nd</sup> position, tied with 17 other applicants.
- G. The Appellant filed a timely E/E appeal with HRD.
- H. HRD denied the E/E appeal and the Appellant filed a timely appeal with the Commission.

As part of the pre-hearing conference, the Appellant stated that his appeal could be divided into two parts. First, he believed that HRD, in general, calculated the various categories incorrectly regardless of the cut-off date used for the experience. Second, he argued that HRD’s decision to use the initial examination date of June 27, 2020 also resulted in him receiving less E/E points than he was entitled to. At the conclusion of the pre-hearing conference, the Appellant stated that, based on information provided by HRD, his appeal was now based solely on the second-prong --- that his E/E score should be based on the August 29, 2020 examination date, as opposed to the initially scheduled date of June 25, 2020.

Based on the statement of the Appellant, I informed both parties that the sole remaining issue could be decided via motions, with HRD filing a motion for summary decision and the Appellant given the opportunity to respond. On July 28<sup>th</sup>, the day after the pre-hearing, the Appellant sent the following email to the Commission:

“Chairman Bowman,

After our Webex pre-hearing yesterday, I re-examined my E&E experience points for the BPD lieutenant candidate exam.

I apologize and do in fact believe I was harmed by HRD's decision in not granting me my full E&E points. I believe that my employment status is harmed and if granted the points I'm seeking, will break me from a tie with 17 other Lt. candidates. I do want to continue with contesting HRD's decision.

As to the other issue of BPD/HRD ending the E&E date in June 2020 rather than August 2020, I still believe this is an arbitrary and capricious decision, however after closer inspection of my temporary lieutenant experience, it will not effect my standing on the lieutenant candidate list.

Please let me know if there is any further information you may need from me.

Sincerely,

Eamon Geoghegan”

The Appellant, however, as of that time, had failed to articulate any argument specifically showing how, in his opinion, HRD calculated his E&E incorrectly. Put another way, other than stating that he has been “harmed”, he had failed to show what action or inaction by HRD caused this alleged harm. For this reason, I provided the Appellant with 10 days to file a More Definite Statement with the Commission, with a copy to HRD, showing specifically how his E/E grade was allegedly calculated incorrectly by HRD.

On August 12, 2021, the Appellant submitted a More Definite Statement which stated in relevant part:

“It is my position that I should be credited with **22.3 points** (20% weighted score 18.46) but was only credited by HRD with **22.2 points** (20% weighted score 18.44). My BPD sergeant employment experience is **40 months (5.6 points)** and HRD reduced it to **24 months (4.0 points)** even though I submitted the work experience documentation in a timely manner as required.

However, HRD did adjust and increase my category 5A police officer experience from no **(0)** points to **24-35 months (1.0 point)**, demonstrating that HRD has discretion and can award additional and/or adjust credit points during an E&E review. HRD’s arbitrary and capricious decision to award me points in one category (5A) that were not originally claimed, but reduce points in another category that were originally claimed (2A), lacks any consistency, is illogical, violates basic merit principles, and has harmed my employment status by reducing my overall final score and standing on the established lieutenant eligible list.

...

Rather than HRD’s arbitrary decision to credit me with 1.5 points for my lieutenant experience and reduce my sergeant experience points to 4.0 for a total

of 5.5 points, I respectfully request that I be credited the 5.6 points for sergeant experience and no points for lieutenant experience. This 0.1 additional credit to my E&E score increases my overall final score to an adjusted 84%, breaking from a tie with 17 other candidates and placing me at number 45 on the eligible list.

I don't believe HRD's seemingly rigid E&E scoring format and arbitrary decision should penalize a candidate for their work experience and prevent the police department from promoting a person with the skills, ability, and knowledge for the position of BPD Lieutenant. It is undisputed that HRD **shall** give credit for an applicant's "employment or experience".

I am seeking a remedy of HRD's E&E scoring decision in the light most favorable to my overall score by granting the 5.6 points for my sergeant work experience and adjusting my E&E score accordingly, as supported by my work experience documentation and in keeping with basic merit principles and fundamental fairness.

This seemingly small 0.1 (22.2 v. 22.3) point difference has a substantial impact on my overall score: added to my 70 points for completing the E&E, my adjusted overall E&E would be 92.3, multiplied by 20% to equal 18.46. Adding all the testing components together: written (technical knowledge) 23.22; assessment center 41.82; and E&E 18.46 for a total overall score of 83.50% rounded up to 84%."

I asked HRD to reply to the Appellant's More Definite Statement stating in part that, "Specifically, HRD should provide a breakdown supporting HRD's argument that the Appellant has received appropriate credit for his experience as a police sergeant." HRD's subsequent reply to the Commission stated: "Based on the information in Mr. Geoghegan's more definite statement, the HRD Civil Service Unit has calculated his sergeant experience as requested in his appeal and send him a revised score notice."

The Appellant's name does now appear in the 45<sup>th</sup> position on the eligible list, the relief that he was seeking, yet he has failed to respond to request from the Commission to withdraw his appeal. Since this appeal is now moot, the Appellant's appeal under Docket No. B2-21-118 is hereby *dismissed*.

Civil Service Commission

/s/ Christopher Bowman

Christopher C. Bowman

Chair

By a vote of the Civil Service Commission (Bowman, Chair; Camuso, Stein and Tivnan, Commissioners) on May 20, 2022.

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:

Eamon Geoghegan (Appellant)

Emily Sabo, Esq. (for Respondent)