

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

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

DAVID GIFFORD,
Appellant
v.

Case No.: E-08-79

TOWN OF ACUSHNET,
Respondent

**DECISION ON JOINT REQUEST FOR RECONSIDERATION AND REQUEST FOR
RELIEF PURSUANT TO CHAPTER 310 OF THE ACTS OF 1993**

As a result of a written request from the Appellant to voluntarily withdraw this appeal, the Civil Service Commission dismissed the instant appeal on May 8, 2008.

Subsequent to this dismissal, the parties jointly requested that the Commission reconsider this order of dismissal and, in the alternative, pursuant to Chapter 310 of the Acts of 1993, issue an order establishing David Gifford's appointment and civil service seniority date as August 4, 1995, his date of hire. (Both parties agree that, due to an administrative error many years ago, the Appellant's date of appointment was never properly recorded.)

The state's Human Resources Division (HRD) has no objection to this joint request as the position is a "labor service" position, for which all functions have been delegated by HRD to the Town of Acushnet.

For all of the above reasons, the May 8, 2008 order of dismissal is vacated. Further, the Commission accepts the joint request of the parties and, pursuant to Chapter 310 of the Acts of 1993, hereby orders that David Gifford's appointment date and civil service seniority date be established as August 4, 1995.

Civil Service Commission

Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Henderson, Marquis and Taylor, Commissioners) on May 15, 2008.

A True Record. Attest:

Commissioner

Either party may file a motion for reconsideration within ten days of the receipt of a 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 the decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration shall be deemed a motion for rehearing in accordance with G.L. c. 30A, § 14(1) for the purpose of tolling the time for appeal.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by a final decision or order of the Commission may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of such order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of the Commission's order or decision.

Notice to:

Anthony Pini (for Appellant)

Alan G. Coutinho (for Appointing Authority)

John Marra, Esq. (HRD)