

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

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

FRANK LAMONDE,
Appellant

v.

B1-18-026

HUMAN RESOURCES DIVISION,
Respondent

Appearance for Appellant:

Pro Se
Frank LaMonde

Appearance for Respondent:

Melissa Thomson, Esq.
Human Resources Division
One Ashburton Place: Room 211
Boston, MA 02108

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

On February 22, 2018, the Appellant, Frank LaMonde (Mr. LaMonde), filed an appeal with the Civil Service Commission (Commission), stating that: 1) he never received his score from a police officer examination in 2008; and 2) he would like a review of his score for the (multiple choice) police officer examination in 2017.

On March 27, 2018, I held a pre-hearing conference at the offices of the Commission which was attended by Mr. LaMonde and counsel for HRD. Notwithstanding potential issues regarding whether the Commission had jurisdiction to hear such an appeal, HRD agreed to review Mr. LaMonde's profile and report back to the Commission, which they did.

According to HRD's records, Mr. LaMonde sent an email to HRD several months ago indicating that he had never received his score from the 2004 (not 2008) police officer examination, to which they replied that no examination was administered in 2004. In regard to the 2017 examination, Mr. LaMonde failed to file a timely appeal seeking a review of the marking of the multiple choice questions.

The Commission does not have jurisdiction over appeals related to the scoring of multiple choice questions on a civil service examination. See G.L. c. 31, ss.22-24 and Hickey v. Civ. Serv. Comm'n & Human Resources Div., 60 Mass.App.Ct. 1104, 799 (2003) (Unpublished Decision), upholding a Superior Court Decision in which the Superior Court affirmed a Commission decision dismissing a multiple choice-related appeal based on a lack of jurisdiction.) Even if such jurisdiction existed, HRD has shown that Mr. LaMonde did not file a timely appeal with HRD seeking such a review.

For these reasons, the Appellant's appeals under Docket No. B1-18-026 is hereby *dismissed*.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Stein and Tivnan, Commissioners) on April 12, 2018.

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)(1), 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:

Frank LaMonde (Appellant)

Melissa Thomson, Esq. (for Respondent)