

COMMONWEALTH OF MASSACHUSETTS

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

CHRISTOPHER LaROCHELLE,
Appellant

v. B2-21-250

HUMAN RESOURCES DIVISION,
Respondent

Appearance for Appellant: *Pro Se*
Christopher LaRochelle

Appearance for Respondent: Sarah Petrie, Esq.¹
Human Resources Division
100 Cambridge Street; Suite 600
Boston, MA 02114

Commissioner: Christopher C. Bowman

ORDER OF DISMISSAL

On December 27, 2021, the Appellant, Christopher LaRochelle (Appellant), filed an appeal with the Civil Service Commission (Commission), contesting the education and experience (E&E) score awarded to him by the state’s Human Resources Division (HRD) on a recent promotional examination for Department of Correction (DOC) Chef. On February 1, 2022, I held a pre-hearing conference which was attended by the Appellant and counsel for HRD. The parties stipulated to the following:

- A. On October 6, 2021, the Appellant took the DOC Chef examination which included an education and experience component.

¹ Since Attorney Petrie is no longer with HRD, this decision will be sent to HRD Deputy General Counsel Melinda Willis.

- B. The Appellant received a written score of 71 and an E&E score of 80, for a total score of 77.
- C. The Appellant filed a timely E&E appeal with HRD, which HRD denied.
- D. The Appellant subsequently filed a timely appeal of HRD's decision with the Commission.
- E. The Appellant's name appeared third on the DOC Chef eligible list, which was established by HRD on 12/21/21.

At the pre-hearing, the Appellant argued that, based on a Commission decision issued on July 5, 2018 in [Shadd et al v. Department of Correction](#), he should receive E&E credit in the title of Cook from July 8, 2001, his date of hire, when, according to the Appellant, he immediately began serving in the functional role of Head Cook and has continuously served as such through the present. The Appellant's argument is based on the language in Shadd which states in part: "The DOC and HRD shall take such action as necessary and appropriate to effectuate the civil service record of each of the Forty-One Correction Officers [including the Appellant] so that he/she shall be deemed a permanent civil service employee in the title of CO-I / Head Cook, effective as of the date of this Supplemental Decision [7/5/18], ***or such earlier date as HRD may be satisfied to be a date on which any such correction officer began serving continuously in the position of CO-I / Head Cook.***" (emphasis added)

It appeared that HRD granted the Appellant E&E credit in the Head Cook position as of 7/22/18, based on a September 27, 2021 letter from DOC Personnel Supervisor Patricia Snow which stated in part that the Appellant "held the following titles: 7/8/2001 - 7/21/18 Permanent Correction Officer I; **7/22/18** – Present Permanent Correction Officer I / Head Cook." (emphasis added) The Appellant submitted a letter dated December 21, 2021 from DOC Deputy Director

Donald Wright stating in part that the Appellant “has worked in a head cooks position at the Bridgewater Kitchen warehouse starting **July 8, 2001** until his transfer to MCI-Norfolk as a head cook on March 31, 2019. Officer Larochelle is still employed at MCI-Norfolk as a Correction Officer / head cook.” (emphasis added)

At the time of the pre-hearing, it was unclear whether DOC and HRD, subsequent to the Commission’s 7/5/18 order, determined whether any of the forty-one correction officers identified in the order should receive a permanency date in the Head Cook position prior to 7/5/18. Part of the uncertainty related to HRD’s inability to obtain clarifying information from DOC prior to the pre-hearing conference due to certain staff members at DOC being out for medical reasons. According to counsel for HRD, that information would be obtained shortly, allowing HRD to determine whether the Appellant (and any other examination applicants) should be awarded additional E&E points based on time served as a Head Cook, which could make this appeal moot. Consistent with the discussion at the pre-hearing conference, I issued a Procedural Order asking HRD to report back to the Commission within ten (10) days regarding any additional findings based on the additional information obtained.

On February 11, 2022, HRD provided the Commission with a reply stating in relevant part that: “ ... after receiving verification from the Department of Correction[], it is satisfied that the Appellant should receive E&E credit for his time when he began serving continuously in the position of CO I / Head Cook from July 8, 2001 to the present.” In a cover email, HRD added: “To the extent that there are other similarly situated appellants requesting credit for an earlier date (there have been none to date), they will be assessed on a case by case basis according the verification provided.”

Notwithstanding that he had been provided with the relief he requested, the Appellant failed to withdraw his appeal and HRD filed a motion to dismiss. For the reasons stated above and as referenced in HRD's motion to dismiss, the Appellant's appeal under Docket No. B2-21-250 is now moot and 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:

Christopher LaRochelle (Appellant)

Melinda Willis, Esq. (for Respondent)