

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

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

ELAINE LIENDO,
Appellant

v.

G2-11-135

DEPARTMENT OF
TRANSITIONAL ASSISTANCE,
Respondent

Appellant's Attorney:

Pro Se
Elaine Liendo

Respondent's Attorney:

Daniel LePage
Assistant General Counsel
Department of Transitional
Assistance
600 Washington St., 4th Floor
Boston, MA 02111

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

The Appellant, Elaine Liendo (Liendo) is appealing her non-selection for promotion to Benefits Eligibility Referral Social Worker C (BERS C) at the Boston / Newmarket office by the Department of Transitional Assistance (DTA).

The appeal was filed with the Civil Service Commission (Commission) on April 22, 2011. A pre-hearing conference was held on May 16, 2011.

Liendo is a party in two other appeals with the Commission, CSC Case Nos. G2-10-199 (bypass appeal) and I-10-353 (investigation).

The Appellant's prior bypass appeal, heard in conjunction with appeals filed by ten (10) other Appellants, was dismissed by the Commission on December 30, 2010. However, the Commission opened Case No. I-10-353 for the purpose of determining whether an investigation under G.L. c. 31, § 2(a) was warranted.

The above-referenced bypass appeal and investigation review involved the promotion of nineteen (19) BERS Cs in the Dudley Square and Newmarket offices. A decision regarding the investigation is being issued concurrently with this dismissal.

Although the instant appeal involves three subsequent vacancies and promotions, the issues presented here are identical to those addressed in Case Nos. G2-10-199 and I-10-353.

For this reason, the Appellant's appeal under Docket No. G2-11-135 is hereby *dismissed*.

Civil Service Commission

Christopher C. Bowman, Chairman

By a 3-1 vote of the Civil Service Commission (Bowman, Chairman – Yes; Henderson, Commissioner – No; Stein, Commissioner – Yes; and Marquis, Commissioner - Yes [McDowell, not participating]) on June 16, 2011.

A true record. Attest:

Commissioner

Either party may file a motion for reconsideration within ten days of the receipt of this 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 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:

Elaine Liendo (Appellant)

Daniel LePage, Esq. (for Appointing Authority)