

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

Decision mailed: 1/9/15  
Civil Service Commission

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

**YVES LORTHE,**  
*Appellant*  
v.

**Case No.:** G1-14-269

**BOSTON POLICE  
DEPARTMENT,**  
*Respondent*

**ORDER OF DISMISSAL**

On November 19, 2014, the Appellant, Yves Lorthe (Mr. Lorthe), filed an appeal with the Civil Service Commission (Commission). His appeal related to appointments made by the Boston Police Department (BPD) from Certification No. 00746, which was issued to the BPD in May 2013.

On December 9, 2014, I held a pre-hearing conference which was attended by Mr. Lorthe and counsel for the BPD.

Based on the documents submitted and the statements of the parties, it is undisputed that the BPD did not appoint any individuals from Certification No. 00746 who were ranked below 55<sup>th</sup>. Mr. Lorthe was tied for 56<sup>th</sup> on this Certification.

At the pre-hearing conference, Mr. Lorthe stated that he was somehow prejudiced because he withdrew from the appointment process – and commenced active military duty – based on a statement from an unnamed BPD representative. According to Mr. Lorthe, this person told him that it was unlikely that he would be considered due to his low rank on the Certification which was, in part, due to the fact that he was not entitled to residency preference in Boston.

In fact, that is precisely what happened. BPD did not consider the non-residents in the 56<sup>th</sup> tie group. Rather, all of the appointments from Certification No. 00746 were made from individuals ranked 55<sup>th</sup> or higher. Put simply, even if Mr. Lorthe had not withdrawn from the process, he would not have been considered or appointed from Certification No. 00746. Thus, he is not an aggrieved person and he is not entitled to any relief from the Commission.

For this reason, Mr. Lorthe's appeal under Docket No. G1-14-269 is hereby *dismissed*.

Civil Service Commission

/s/ Christopher Bowman

Christopher C. Bowman

Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell and Stein, Commissioners) on January 8, 2015.

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.

Notice to:

Yves Lorthé (Appellant)

Meryum Khan, Esq. (for Respondent)