

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

SUFFOLK, SS.

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

FRANCINE LYNCH,
Appellant

v.

BOSTON POLICE DEPARTMENT,
Respondent

CASE NO: G1-09-42

Appellant, Pro Se:

Francine Lynch

Appointing Authority's Attorney:

Amanda E. Wall, Esq.
Office of the Legal Advisor
One Schroeder Plaza
Boston, MA 02120

HRD Attorney:

Suzanne Shaw, Esq.
Human Resources Division
One Ashburton Place
Boston, MA 02108
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Commissioner:

Paul M. Stein

DECISION ON BPD'S MOTION TO RECONSIDER

The Appellant, Francine Lynch, appealed to the Civil Service Commission (Commission), pursuant to G.L.c.31, §2(b), alleging the Massachusetts Human Resources Division (HRD) unlawfully approved her bypass for an original appointment as a police officer with the Boston Police Department (BPD). On April 8, 2009, BPD filed a Motion to Dismiss the appeal. At a status conference held on September 10, 2010, at which both Ms. Lynch and BPD appeared, the parties agreed that, as Ms. Lynch then was being processed for the next scheduled BPD Academy, her bypass appeal was substantially moot, save whether she was entitled to a retroactive seniority date based on her bypass claim. By decision dated January 27, 2011, the Commission denied the Motion to Dismiss and voted to grant Ms. Lynch relief in the form of a retroactive seniority date.

BPD now moves to reconsider that Decision or, alternatively, to dismiss Ms. Lynch's appeal as moot. Along with legal arguments in support of a reconsideration of the merits of the Decision, the BPD attached documents evidencing that Ms. Lynch duly enrolled in the December 2010 BPD Academy and, on January 28, 2011, she voluntarily resigned from the Academy to "place the needs of my family first." BPD Commissioner Davis accepted her resignation as a BPD Student Officer on February 11, 2011. Ms. Lynch did not oppose BPD's present motion. The facts asserted above do not appear in dispute.

After careful review of each of the contentions of BPD's Motion for Reconsideration, the Commission finds no clerical or mechanical error in the Decision or a significant factor the Commission or the presiding officer overlooked that requires reconsideration of the Decision in this case on the merits. However, the undisputed facts that Ms. Lynch now has chosen to voluntarily resign from her position of BPD Student Officer, make the relief granted by the Commission to order HRD to adjust her seniority date unnecessary.

Accordingly, for the reasons stated above, the BPD's Motion is granted, in part, and the appeal of the Appellant, Francine Lynch is *dismissed as moot*.

Civil Service Commission

Paul M. Stein
Commissioner

By vote of the Civil Service Commission (Bowman, Chairman; Henderson, McDowell & Stein, Commissioners [Marquis – Absent]) on March 10, 2011.

A True Record. Attest:

Commissioner

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:

Francine Lynch (Appellant)

Amanda E. Wall, Esq. (for Appointing Authority)

John Marra, Esq. (for HRD)