

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

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

PETER McKENZIE,
Appellant

B1-15-44

v.

HUMAN RESOURCES DIVISION,
Respondent

Appearance for Appellant:

Pro Se
Peter McKenzie

Appearance for Respondent:

Patrick G. Butler, Esq.
Human Resources Division
One Ashburton Place
Boston, MA 02108

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

On February 25, 2015, the Appellant, Peter McKenzie (Mr. McKenzie), pursuant to G.L. c. 31, § 24, filed an appeal with the Civil Service Commission (Commission) related to the grading of his entry-level firefighter examination by the state's Human Resources Division (HRD).

On March 17, 2015, I held a pre-hearing conference at the offices of the Commission, which was attended by Mr. McKenzie and counsel for HRD. Based on the information provided at the pre-hearing conference, the following is undisputed, unless otherwise noted:

1. On March 26, 2014, Mr. McKenzie took and passed the Entry-Level Physical Abilities Test (ELPAT) for the civil service position of firefighter. The ELPAT accounts for 50% of the total score of the firefighter examination.

2. An applicant cannot proceed to the written portion of the firefighter examination unless he / she receives a passing score on the ELPAT.
3. On April 26, 2014, Mr. McKenzie took the written portion of the firefighter examination.
4. The written examination consists of three “subtests”: the written ability test; the life experience survey; and the work styles questionnaire.
5. Applicants who do not pass the first section, the written ability test, will fail the entire examination and the other two (2) sections will not be graded.
6. Mr. McKenzie failed the written ability test and he was provided with his score at the pre-hearing conference.

Analysis

During the pre-hearing conference, Mr. McKenzie stated that his only reason for filing an appeal with the Commission was to determine his score and an explanation of what section he had failed, information that had not previously been made available to him.

Since HRD has now provided the information requested, this appeal is now moot.

Conclusion

As this appeal is now moot, Mr. McKenzie’s appeal under Docket No. B1-15-44 is hereby

dismissed.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell and Stein, Commissioners) on April 2, 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:

Peter McKenzie (Appellant)

Patrick Butler, Esq. (for Respondent)