

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

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

PAUL McPHAIL,
Appellant
v.

Case No.: B2-13-172

**HUMAN RESOURCES
DIVISION,**
Respondent

ORDER OF DISMISSAL

On November 13, 2013, the Human Resources Division (HRD) filed a motion to dismiss the Appellant's appeal. Per agreement of the parties, the Appellant had thirty (30) days to file a reply. None was filed.

For all the reasons stated in HRD's Motion to Dismiss, the Appellant's appeal under Docket No. B2-13-172 is *dismissed*.

Specifically, the Civil Service Commission has no jurisdiction to hear appeals related to multiple choice questions on civil service examinations. Further, even if the Appellant were to prevail on the other portion of his appeal, it would not change his rank on the eligible list for Deputy Fire Chief in Arlington.

Civil Service Commission

Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell and Stein, Commissioners [Marquis – Abstain]) on January 9, 2014.

A True Record. Attest:

Commissioner

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)(1), 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:

Paul McPhail (Appellant)

Ernest Law, Esq. (for HRD)

Brian Magner, Esq. (for Town of Arlington)