

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss.

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

JULIO MERCADO,  
Appellant

v.

G1-18-007

CITY OF GLOUCESTER,  
Respondent

Appearance for Appellant:

*Pro Se*  
Julio Mercado

Appearance for Respondent:

Krisna Basu, Esq.  
Assistant General Counsel  
City of Gloucester  
9 Dale Avenue  
Gloucester, MA 01930

Commissioner:

Christopher C. Bowman

**ORDER OF DISMISSAL**

1. On January 12, 2018, the Appellant, Julio Mercado (Mr. Mercado), filed a bypass appeal with the Civil Service Commission, contesting his non-selection for original appointment to the position of permanent reserve police officer in the City of Gloucester (City)'s Police Department.
2. On February 12, 2018, a pre-hearing conference was held at the Mercier Community Center in Lowell which was attended by Mr. Mercado and counsel for the City.
3. As part of the pre-hearing, the parties signed a "Stipulated Facts" worksheet. Certain information, including how many candidates ranked below Mr. Mercado on Certification No. 04984 were appointed, was not included on the Stipulated Facts worksheet.
4. Subsequent to the pre-hearing, the Commission received updated information from the state's Human Resources Division (HRD) regarding this appeal as well as an updated pre-hearing memorandum from the City.

5. Based on this additional information, it appeared that no candidate ranked below Mr. Mercado on Certification No. 04984 was appointed to the position of reserve police officer in the City's Police Department.
6. If no candidates ranked below Mr. Mercado from Certification No. 04984 were appointed, then there would be no "bypass" under the civil service law or rules and the Commission would lack jurisdiction to hear this appeal under G.L. c. 31, s. 2(b).
7. On February 22, 2018, I issued a Procedural Order stating that: "Absent receipt of evidence from either party, on or before March 2, 2018, showing that a candidate ranked below Mr. Mercado on Certification No. 04984 was appointed, this appeal will be dismissed based on a lack of jurisdiction and the full hearing previously scheduled for April 23, 2018 will be canceled."
8. No evidence was received from either party showing that a candidate ranked below Mr. Mercado on Certification No. 04984 was appointed.

For these reasons, Mr. Mercado's appeal under Docket No. G1-18-007 is hereby *dismissed*.

Civil Service Commission

/s/ Christopher Bowman  
Christopher C. Bowman  
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Camuso, Stein and Tivnan, Commissioners [Ittleman – Not Participating]) on March 15, 2018.

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. After initiating proceedings for judicial review in Superior Court, the plaintiff, or his / her attorney, is required to serve a copy of the summons and complaint upon the Boston office of the Attorney General of the Commonwealth, with a copy to the Civil Service Commission, in the time and in the manner prescribed by Mass. R. Civ. P. 4(d).

Notice:

Julio Mercado (Appellant)  
Krisna Basu, Esq. (for Respondent)