

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

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

**BRIAN NANO,**  
*Appellant*  
v.

**Case No.:** G1-12-38

**DEPARTMENT OF  
CORRECTION,**  
*Respondent*

**ORDER OF DISMISSAL**

On February 6, 2012, the Appellant filed an appeal with the Civil Service Commission (Commission), contesting a decision by the Department of Correction (DOC) not to reinstate him to the position of Correction Officer II, from which he resigned on September 11, 2010.

On March 13, 2012, a pre-hearing conference was held at the offices of the Commission, which was attended by the Appellant and a representative from DOC.

G.L. c. 31, §46 states that a reinstatement can be allowed by the Administrator (HRD), “provided that the Appointing Authority submits to the administrator a written request for such approval...” DOC has not made and, according to the DOC representative, will not make, such a request. Nothing in the statute requires them to do so. (See Woodson v. Boston Police Department, 19 MCSR 279 (2006)).

For this reason, the Appellant’s appeal under Docket No. G1-12-38 is hereby *dismissed*.

Civil Service Commission

Christopher C. Bowman  
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, Marquis, McDowell and Stein, Commissioners) on April 19, 2012.

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:

Brian Nano (Appellant)

Jeffrey Bolger (for Respondent)

John Marra, Esq. (HRD)