

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

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

CALEB NELSON,
Appellant

v.

G1-19-001

BOSTON POLICE DEPARTMENT,
Respondent

Appearance for Appellant:

Pro Se
Caleb Nelson

Appearance for Respondent:

Kate M. Kleimola, Esq.
City of Boston
Office of Labor Relations
Boston City Hall, Room 624
Boston, MA 02201

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

1. On December 27, 2018, the Appellant, Caleb Nelson (Mr. Nelson), filed an appeal with the Civil Service Commission (Commission), contesting the decision of the Boston Police Department (BPD) to bypass him for original appointment to the position of police officer.
2. On January 29, 2019, I held a pre-hearing conference at the offices of the Commission, which was attended by Mr. Nelson, his wife and counsel for the BPD.
3. As part of that pre-hearing, the parties agreed to and signed stipulated facts and provided an overview of their respective arguments.
4. According to the BPD, Mr. Nelson would not be eligible to carry a firearm based on the results of a medical evaluation. At the pre-hearing conference, Mr. Nelson did not dispute this argument by the BPD.
5. I provided Mr. Nelson with a week to determine whether he wanted to pursue his appeal at the Commission.

6. Subsequent to the pre-hearing, Mr. Nelson indicated that he wanted to go forward with his appeal.
7. The BPD subsequently submitted a Motion to Dismiss, which I have deemed a Motion for Summary Decision, and Mr. Nelson submitted a reply.

Conclusion

For all the reasons stated in the BPD's Motion for Summary Decision, the Appellant's appeal under Docket No. G1-19-001 is *dismissed*.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Stein and Tivnan, Commissioners) on April 11, 2019.

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:

Caleb Nelson (Appellant)

Kate M. Kleimola, Esq. (for Respondent)