

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

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

THOMAS P. NICHOLAS,

Appellant

v.

**HUMAN RESOURCES
DIVISION,**

Respondent

Case No.: B1-14-274

ORDER OF DISMISSAL

On November 24, 2014, the Appellant, Thomas Nicholas (Mr. Nicholas), filed an appeal with the Civil Service Commission (Commission), contesting the marking of multiple choice questions contained on a Fire Alarm Operator examination administered by the state's Human Resources Division (HRD) on November 15, 2014.

The Commission does not have jurisdiction to hear appeals regarding multiple choice questions on a civil service examination. A test-taker's appeal rights related to multiple choice questions are limited to filing an appeal with HRD. (See Hickey v. Human Resources Division and Civil Service Commission, Suffolk Superior Court No. 99-0120 (2000)).

On December 9, 2014, I held a pre-hearing conference which was attended by Mr. Nicholas and counsel for HRD. At this pre-hearing, Mr. Nicholas stated that he erroneously forwarded his appeal to the Commission, as opposed to HRD. HRD stated that they would review Mr. Nicholas's appeal and issue a timely determination.

Since the Commission has no jurisdiction to hear this appeal, it is hereby *dismissed*.

Civil Service Commission

/s/ Christopher Bowman

Christopher C. Bowman

Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell and Stein, Commissioners) on December 11, 2014 .

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:
Thomas Nicholas (Appellant)
Michael Downey, Esq. (for Respondent)