

**NOTIFY**

**COMMONWEALTH OF MASSACHUSETTS**

**SUFFOLK, ss.**

**SUPERIOR COURT  
CIVIL ACTION  
No. 16-01708**

**NORTHAMPTON HOUSING AUTHORITY,  
Plaintiff**

**vs.**

**MASSACHUSETTS CIVIL SERVICE COMMISSION and  
MICHAEL T. OWENS,  
Defendants**

Notice sent  
3/31/17  
J. M. P.  
M.,B. & J.  
K. G. H.  
M. M. C.,JR.  
E. F. & C.,PC.

(sc)

**ORDER ON CROSS-MOTIONS FOR JUDGMENT ON THE PLEADINGS**

After hearing, and review of the materials submitted, I find that the decision of the Civil Service Commission must be affirmed. Plaintiff, Northampton Housing Authority (NHA), concedes that it does not allege an error of law in the underlying decision. Instead, NHA argues that the hearing officer lacked substantial evidence in his decision to vacate NHA's dismissal of defendant Michael T. Owens from his position at NHA. A review of the record demonstrates, however, that the hearing officer carefully assessed the credibility of the two principal witnesses - - Mr. Owens and Ms. Clifford. Based on that assessment, he found Mr. Owens more credible than Ms. Clifford. Moreover, the hearing officer found, based on substantial evidence, that NHA's stated reasons for a reorganization and the dismissal of Mr. Owens were a sham ("In summary, what occurred here was more akin to a purge of certain long-term employees, including Mr. Owens, that Ms. Clifford did not want on her team, as opposed to a bona fide reorganization"). As a result, the hearing officer concluded there was not just cause to terminate Mr. Owens' employment.

**RECEIVED**

APR 05 2017

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Administrative Law Division

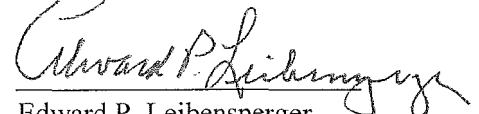
The credibility of the witnesses is generally not open to Superior Court review under G.L. c. 30A. Moreover, there appears to be substantial evidence to support the hearing officer's conclusions regarding the issues before him.

Accordingly, there is no basis upon which the court may overturn the Commission's findings, made after a full evidentiary hearing.

#### CONCLUSION AND ORDER

For the reasons stated above, it is ordered that the plaintiff's Motion for Judgment on the Pleadings is **DENIED**, and the defendant's Motion for Judgment on the Pleadings is **ALLOWED**. Judgment shall enter **AFFIRMING** the decision of the Massachusetts Civil Service Commission. This action is **DISMISSED**.

By the Court,



Edward P. Leibensperger  
Justice of the Superior Court

Date: March 27, 2017