COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION
100 Cambridge Street – Suite 200
Boston, MA 02114
617-979-1900

CHRISTOPHER PECKAM,
Appellant

v.

HUMAN RESOURCES DIVISION
& DEPARTMENT OF CORRECTION,
Respondents

Docket number:	B2-24-170
Appearance for Appellant:	Christopher Peckham, Pro Se
Appearance for HRD:	Erik Hammarlund, Esq. Labor Counsel Human Resources Division 100 Cambridge Street, Suite 600 Boston, MA 02114
Appearance for DOC:	Eamonn M. Sullivan, Esq. Labor Relations Advisor Department of Correction 50 Maple Street Milford MA 01757
Commissioner:	Paul M. Stein

SUMMARY OF DECISION

The Commission denied a "fair test" appeal brought by a candidate who took the August 2024 Correction Officer II (CO II or Sergeant) promotional examination because he did not first make a timely request for review by HRD pursuant to G.L c. 31, § 22. The Appellant's appeal from HRD's denial of his claim to the two-point veteran's preference was denied because the Appellant did not meet the definition of a veteran, which requires a minimum of 90 days active-duty service, other than for training.

DECISION ON HRD'S MOTION FOR SUMMARY DECISION AND DOC'S MOTION TO DISMSS

On November 8, 2024, the Appellant, Christopher Peckham, a Correction Officer I (CO I) with the Department of Correction (DOC), appealed to the Civil Service Commission, pursuant to G.L.

c. 31, § 24 asserting that the Experience/Training, Certification & Education (ECT&E) component of the August 17, 2024 Correction Officer II (CO II) examination was not a "fair test" because it allowed credits for "specialty experience" in violation of basic merit principles. I held a remote pre-hearing conference on December 3, 2024. After the pre-hearing conference, the Appellant raised a second issue: namely, that HRD also had wrongly denied his claim to a veteran's preference. After confirming that the Appellant had duly sought an initial review of his veteran's preference claim to HRD, he was permitted to amend his appeal to include the veteran's preference issue. HRD filed a Motion for Summary Decision on December 11, 2024, and DOC filed a Motion to Dismiss on December 13, 2024. The Appellant filed his Opposition to the motions on January 7, 2025. For the reasons stated below, HRD's Motion for Summary Decision and DOC's Motion to Dismiss are granted and the Appellant's appeal is dismissed.

UNDISPUTED FACTS

Based on the submission of the parties, the following facts are not disputed:

1. The Appellant, Christopher Peckham, is a CO I with DOC.

2. The Appellant enlisted in the United States Army Reserve (USAR) and served for approximately eight years prior to his honorable discharge as a Specialist (E-4) effective October 6, 2015. He receives monthly benefits from the Veteran's Administration for a service-connected disability, currently evaluated at 50 percent.

3. According to the documents in the record, during the period of the Appellant's military service, the Appellant was never deployed on active duty other than for USAR training events.

4. On August 17, 2024, the Appellant took the Correction Officer II (CO II) promotional examination administered by HRD.

5. The CO II promotional exam contained a Technical Knowledge (TK) component (written multiple choice questions), a Situational Judgement Test (SJT) component (multiple choice responses to operational scenarios), and an Experience/ Training/ Certification/Education (E&E) component (on-line self-administered test).

6. To be allowed E&E credit, a candidate must have completed an on-line E&E claim form within seven days after completing the written examination, i.e., on or before August 24, 2024.

7. On October 2, 2024, HRD informed the Appellant that he had passed the CO II promotional exam. HRD also informed the Appellant that his claim to two-point preference for veteran status was denied.

8. On October 28, 2024, after review of the Appellant's documents, HRD informed the Appellant that his request for review of his veteran's status was denied.

9. On November 1, 2024, HRD issued a new eligible list for CO II based on the results of the August 17, 2024 CO II promotional exam. The Appellant's name appeared ranked in 160th place, tied with 11 other candidates, on a list of 269 total candidates who had taken and passed the examination.

10. On November 7, 2024, the Appellant brought this appeal to the Commission, alleging:

> "On November 1, 2024, I was made aware that the . . . Correction Officer II test . . . was in violation of the Basic merit principles (MGL chapter 31, Section 1) specifically in regards to the E&E portion. . . . Upon reviewing the certification list for the COII exam, I have become aware that specialty positions . . . did receive points based on their time in these positions, this resulted in officers being placed higher on the list than myself. The hiring process for these positions are not civil service based, a test is not administered . . . often the decision making process includes cronyism."

11. In particular, the Appellant points to an opening for an "armorer" position at Lemuel Shattuck Correctional Unit in March 2024, for which the Appellant claims he was qualified due to

his prior military experience and that was filled without prior notice or opportunity for the Appellant to apply due to "cronyism".

12. According to the CO II E&E Score Guide, a specialty appointment as "armorer" from March 2024 to the date of the exam (August 17, 2024) would not have qualified for any "specialty time" credit, since a minimum of six months is required to earn one point of raw E&E credit for any "specialty time".

APPLICABLE LEGAL STANDARD

The Commission may, on motion or upon its own initiative, dismiss an appeal at any time for lack of jurisdiction or for failure to state a claim upon which relief can be granted. 801 CMR 1.01(7)(g)(3). A motion to dispose of an appeal, in whole or in part, via summary decision may be allowed by the Commission pursuant to 801 C.M.R. 1.01(7)(h) when, "viewing the evidence in the light most favorable to the non-moving party", the undisputed material facts affirmatively demonstrate that the non-moving party has "no reasonable expectation" of prevailing on at least one "essential element of the case". See, e.g., Milliken & Co. v. Duro Textiles LLC, 451 Mass. 547, 550 n.6 (2008); Maimonides School v. Coles, 71 Mass. App. Ct. 240, 249 (2008); Lydon v. Massachusetts Parole Board, 18 MCSR 216 (2005). See also Mangino v. HRD, 27 MCSR 34 (2014) and cases cited ("The notion underlying the summary decision process in administrative proceedings parallels the civil practice under Mass.R.Civ.P.56, namely, when no genuine issues of material fact exist, the agency is not required to conduct a meaningless hearing."); Morehouse v. Weymouth Fire Dept, 26 MCSR 176 (2013) ("a party may move for summary decision when . . . that there is no genuine issue of fact relating to his or her claim or defense and the party is entitled to prevail as a matter of law.")

ANALYSIS

The undisputed facts, viewed in a light most favorable to the Appellant, establish that this appeal must be dismissed. The Commission lacks jurisdiction over the Appellant's "fair test" appeal of the E&E component of the CO II promotional examination because the appeal is untimely and the Appellant has failed to show that his civil service rights have been prejudiced by HRD's design and administration of the E&E component. Further, the Appellant's claim to the two-point veteran's preference was correctly denied by HRD because the Appellant is not a qualified veteran within the meaning of the civil service law.

E&E Appeal

Section 22 of Chapter 31 of the General Laws prescribes that "[t]he administrator [HRD] shall determine the passing requirements of examinations." According to the Personnel Administration Rules (PAR) 6(1)(b), "[t]he grading of the subject of training and experience as a part of a promotional examination shall be based on a schedule approved by the administrator [HRD] which shall include credits for elements of training and experience related to the position for which the examination is held." Pursuant to Section 24 of Chapter 31, ". . .the commission shall not allow credit for training or experience unless such training or experience was fully stated in the training and experience sheet filed by the applicant at the time designated by the administrator [HRD]".

As to a "fair test' appeal, Section 22 provides:

> "An applicant may request the administrator [HRD] to conduct a review of whether an examination taken by such applicant was a fair test of the applicant's fitness actually to perform the primary or dominant duties of the position for which the examination was held, provided that such request shall be filed with the administrator [HRD] no later than seven days after the date of such examination."

G.L. c. 31, § 22, ¶4 (emphasis added).

The Commission's jurisdiction over a "fair test" appeal is governed by Section 24 of Chapter 31, which provides:

> "An applicant may appeal to the commission from the decision of the administrator [HRD] . . . finding that the examination was [not] a fair test . . . . The commission shall refuse to accept any petition for appeal unless the request for appeal, which was the basis for such petition, was filed in the required time form and unless a decision on such request for review has been rendered by the administrator[HRD]".

Here, the Appellant never sought a Section 22 "fair test" review of the denial of his E&E claim within the seven-day window prescribed by statute, nor at any time thereafter. Although the Commission has the discretion to deem a timely, but misfiled appeal to the Commission as meeting the statutory jurisdictional requirement, here, the Appellant first appealed to the Commission after the eligible list had been published in November 2024, three months after the date that a "fair test" review should have been filed. The Appellant was made aware that "specialty time" was eligible for credit under the E&E component as part of the Examination Preparation Guide he received prior to the August 2024 examination. The Appellant's delay in raising this issue until the scores had been calculated and the list published dooms his E&E appeal. See, e.g., Kelly v. HRD, 36 MCSR 259 (2023); Mazzola v. HRD, 36 MCSR 250 (2023); Connors v. HRD, 35 MCSR 20 (2022); Bocash v. HRD, 34 MCSR 291 (2021)

Second, the Commission generally has deferred to HRD's expertise and discretion to establish reasonable requirements, consistent with basic merit principles, for crafting, administering, and scoring examinations. In deciding prior appeals, the Commission has concluded that, as a general rule, HRD's insistence on compliance with its established methodology and examination requirements for claiming and scoring training and experience credits was neither arbitrary nor unreasonable. See, e.g., Battaglia v. HRD, CSC No.B2-24-171 (2025); Dunnigan v. HRD, 36 MCSR 439 (2023); Adjemian v. HRD, 36 MCSR 308 (2023); Shea v. HRD, 36 MCSR 397 (2023);

Flannery v. HRD, 36 MCSR 285 (2023); Cooley v. HRD, 35 MCSR 81 (2022); Murphy v. HRD, 34 MCSR 242 (2021); Pierce v. HRD, 34 MCSR 79 (2021); Toothaker v. HRD, 33 MCSR 374 (2020) ; Paiva v. DOC, 33 MCSR 328 (2020), *aff'd in relevant part sub non* Paiva v. Civil Service Comm'n, CA 1982-CV-01309 (Norfolk Sup. Ct. 2023); Mailea v. HRD, 33 MCSR 289 (2020); Kenneally v. HRD, 31 MCSR 108 (2018). See also Helms v. HRD, B2-24-178 (5/15/2025), Bell v. HRD, B2-24-180 (2/20/2025); Donovan v. HRD, B2-24-117 (1/9/2025); Weaver v. HRD, 37 MCSR 313 (2024); DiGiando v. HRD, 37 MCSR 252 (2024); Medeiros v. HRD, 37 MCSR 56 (2024); Dunn v. HRD, 37 MCSR (2024); Kiley v. HRD, 36 MCSR 442 (2024); Evans v. HRD, 35 MCSR 108 (2022); Turner v. HRD, 34 MCSR 249 (2022); Amato v. HRD, 34 MCSR 177 (2021); Wetherbee v. HRD, 34 MCSR 173 (2021); Russo v. HRD, 34 MCSR 156 (2021); Villavizar v. HRD, 34 MCSR 64 (2021); Holska v. HRD, 33 MCSR 282 (2020); Flynn v. HRD, 33 MCSR 237 (2020); Whoriskey v. HRD, 33 MCSR 158 (2020); Bucella v. HRD, 32 MCSR 226 (2019); Dupont v. HRD, 31 MCSR 184 (2018); Pavone v. HRD, 28 MCSR 611 (2015); and Carroll v. HRD, 27 MCSR 157 (2014).

The present appeal presents no basis to deviate from the Commission's well-established line of decisions that, as here, without evidence that HRD has acted arbitrarily or unreasonably, the Commission should defer to HRD's expertise in designing and scoring the categories of experience eligible for E&E credit.

Third, the only specific assignment for which the Appellant provided detailed evidence was an "armorer" assignment that began in March 2024, less than six months before the examination date of August 17, 2024. The Score Guide shows that E&E credit for specialty time requires a minimum of six months' service to receive any credit. Thus, wherever the other candidate's name

appears on the eligible list, if at all, which is not known, E&E credit for the armorer position would have had no effect on the relative rank order of the Appellant and the other candidate.

Veteran's Preference

The two-point veteran's preference was created by HRD, pursuant to its authority under Chapter 31 to "make and amend rules which shall regulate the recruitment, selection, training and employment of persons for civil service positions . . . . Such rules shall include provisions for . . . [p]references to veterans in original and promotional appointments . . . ." G.L. c. 31, § 3.[1]

Personnel Administration Rule PAR.14, ¶(2) provides, in relevant part:

> "In competitive examinations for promotion to any position in the classified civil official service, the administrator [HRD] shall add two points to the general average mark obtained *by any veteran as defined in M.G.L. c. 31, §1*, provided such veteran has first obtained a passing mark in said examination." (*emphasis added*)

Section 1 of Chapter 31 defines "Veteran" as "any person who:

> "(1) *comes within the definition of a veteran appearing in the forty-third clause of section seven of chapter four*; or,
> "(2) comes within such definition except that instead of having performed "wartime service" as defined therein, he has been awarded the Congressional Medal of Honor or one of the following campaign badges: Second Nicaraguan Campaign, Yangtze Service, Navy Occupation Service, Army of Occupation or Medal for Humane Action; or,
> "(3) is a person eligible to receive the Congressional Medal of Honor or one of the campaign badges enumerated in clause (2) of this paragraph and who presents proof of such eligibility which is satisfactory to the administrator.
>
> "*A veteran shall not include active duty for training in the army national guard or air national guard or active duty for training as a reservist in the armed forces of the United States*".
>
> "Wartime service" [has] the same meaning as specified in the forty-third clause of section seven of chapter four, or active service in the armed forces of the United States in any campaign for which an award was made of any of the campaign badges enumerated in the definition of "veteran" in this section.

G.L. c. 31, § 1, ¶¶ 41-43 (*emphasis added*).

[1] A separate veteran's preference, not applicable here, is provided by statute for original (i.e., entry level) appointments. See G.L. c. 31, § 26.

Section 7 of Chapter 4 provides, in relevant part:

> "Forty-third, "Veteran" shall mean (1) any person, *(a) whose last discharge or release from his wartime service*[2] *as defined herein, was under honorable conditions and who (b) served in the army, navy, marine corps, coast guard, or air force of the United States, or on full time national guard duty under Titles 10 or 32 of the United States Code or under sections 38, 40 and 41 of chapter 33 for not less than 90 days active service, at least 1 day of which was for wartime service; provided, however, than any person who so served in wartime and was awarded a service-connected disability* or a Purple Heart, or who died in such service under conditions other than dishonorable, *shall be deemed to be a veteran notwithstanding his failure to complete 90 days of active service* . . . .
>
> "Wartime service" shall mean service performed by . . . a "Persian Gulf veteran". . . .
>
> . . .
>
> "Persian Gulf veteran" shall mean any person who performed such wartime service during the period commencing August second, nineteen hundred and ninety and ending on a date to be determined by presidential proclamation or executive order and concurrent resolution of the Congress of the United States.
>
> . . .
>
> "*Active service in the armed forces", as used in this clause shall not include* active duty for training in the army national guard or air national guard or *active duty for training as a reservist in the armed forces of the United States*.

G.L. c. 4, § 7, ¶ 43 (*emphasis added*).

Two laws enacted in 2024 also bear notice. Chapter 178 of the Acts of 2024, also called the "HERO Act", amended the definition of a "veteran" contained in G.L. c. 115, §1, pertaining to Massachusetts residents who qualify for certain state benefits provided by the Commonwealth and access to the Massachusetts State Veterans Home. The definition of "veteran" for purposes of the benefits provided by Chapter 115 was specifically amended to expand the definition to encompass persons with disabilities who did not previously meet the definition of a veteran:

> "Veteran", *any person who . . . (c) served on active duty, to include active duty solely for training purposes, in the armed forces, and was awarded a service-connected disability* or who died in such service under conditions other than dishonorable; or (d) *served in the national guard or as a reservist in any branch of the armed forces, including active duty solely for training purposes, and was awarded a service-connected*

[2] "Wartime service" has "the same meaning as specified in the forty-third clause of section seven of chapter four, or active service in the armed forces of the United States in any campaign for which an award was made of any of the campaign badges enumerated in the definition of 'veteran' in this section." G.L c.31, §1, ¶43,

> *disability* or who died in such service under conditions other than dishonorable; or (e) *is determined to be a veteran according to the U.S. Department of Veterans Affairs*; provided. . . the service of such person . . . was entered into or served in Massachusetts, or such person has resided in the commonwealth for 1 day. . . .

G.L. c. 115, §1 as amended by St. 2024, c. 178, §48, effective August 8, 2024 (*emphasis added*). See also Eligibility and Service Requirements for Massachusetts Veterans (Executive Office of Veteran's Services website on mass.gov).[3]

Chapter 238 of the Acts of 2024 made numerous amendments to Chapter 31, including amendments to Section 1 that deleted the definition of "Handicap" and inserted the following new definitions of "Disability" and "Disabled Veteran":

> "Disability", any condition or characteristic, physical or mental, which substantially limits one or more major life activities; or a record of such impairment; or the external manifestations of such impairment.
>
> "Disabled veteran", *any veteran, as defined in this section, who (1) has a continuing service-incurred disability of not less than ten per cent based on wartime service for which he is receiving or entitled to receive compensation from the veterans administration* or, provided that such disability is a permanent physical disability, for which he has been retired from any branch of the armed forces and is receiving or is entitled to receive a retirement allowance, *or (2) has a continuing service-incurred disability based on wartime service for which he is receiving or is entitled to receive a statutory award from the veterans administration.*

G.L. c. 31, §1, as amended by St. 2024, c. 238, §106 & §108, effective November 20, 2024. (*emphasis added*)

Chapter 238 of the Acts left unchanged the definition of "Veteran" as it appeared in Section 1 prior to November 20, 2024. See also St. 2022, c. 144, §18 (technical amendment to G.L. c. 31, §49 pertaining to soldiers' homes); St. 2024, c. 178, §17 (same).

The Appellant's appeal presents two issues of statutory interpretation:

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[3] Prior to August 8, 2024, a "veteran" in G.L. c. 115, §1 included "any person who (a) is a veteran as defined in clause Forty-third of section seven of chapter four; or (b) meets all the requirements of said clause Forty-third except that instead of performing wartime service as so defined he has served on active duty in [certain 19th century or 20th century campaigns not relevant here]."

(1) Does the term veteran as defined by PAR.14(2) and G.L. c. 31, §1 [which incorporates by reference G.L. c. 4, §7] include a person, such as the Appellant, with a "service-connected disability" and whose only active military service was for training purposes? In other words, does "so served" in G.L. c. 4, §7 relate back to the phrase "served in the army" or to the phrase "active service, at least 1 day of which was for wartime service"?[4]; and

(2) Does the anomaly that a person with a service-connected disability who is considered a disabled veteran for some purposes, but does not fit the definition of a "veteran" for purposes of the two-point veterans' preference in promotional appointments under PAR.14(2), taking note of the recent legislative changes to the definition of a veteran and disabled veteran, constitute unlawful discrimination, a violation of the equal protection clause, or other basic merit principles of civil service law?

The first question was definitively resolved by Greeley v. Civil Service Comm'n, 1 Mass. App. Ct. 746 (1974), in which the Appeals Court held that a firefighter who had been injured during a military training exercise, and who had not ever served on "active duty" other than for training, was not a "veteran" within the meaning of the two-point civil service promotional preference. The Appeals Court's opinion states:

> The petitioner first contends that his seven months' confinement in the Chelsea Naval Hospital satisfied the requirement in subparagraph (b) of the first paragraph of 'not less than ninety days active service.' We disagree. *The last paragraph of clause Forty-third provides that 'active duty for training as a reservist in the armed forces of the United States' does not constitute 'active service in the armed forces.' At the time the petitioner contracted the illness which resulted in his hospitalization, he was engaged in an annual two-week program 'for training as a reservist' and was therefore not performing 'active service in the armed forces.*'
>
> . . .
>
> *The petitioner next contends that even if he cannot satisfy the 'active service' requirement of the first paragraph of clause Forty-third, he is excused from that*

[4] There is no dispute that the Appellant "served in the army", that he was discharged "honorably", that at least one day of service was in "wartime" [Persian Gulf war], or that he has a service-connected disability for which he is receiving benefits from the federal Veteran's Administration.

> *requirement* by reason of his having been awarded a service-connected disability. He relies for this proposition on the proviso in subparagraph (b) of that paragraph, *whereby 'any person who so served in wartime and was awarded a service-connected disability . . . shall be deemed to be a veteran notwithstanding his failure to complete ninety days of active service'* . . . .
>
> In our view this is a strained interpretation at best. *'Failure to complete' is not, as the petitioner seems to believe, synonymous with 'failure to begin,' but implies instead that the thing not completed has already been begun. The use of that expression in the proviso was obviously designed to cover the case of the person whose active service was cut short; we do not believe that it was intended to apply to the person who performed no 'active service' whatever*. This conclusion is borne out by the terms of the 'wartime service' requirement earlier in the same paragraph: 'ninety days active service, at least one day of which was for wartime service.' *The Legislature has thus required that the minimum of one day of wartime service coincide with a day of active service.* The proviso relied upon by the petitioner applies only to a person 'who so served in wartime' (emphasis supplied). For these reasons the petitioner cannot avail himself of the proviso to qualify as a 'veteran.'

Id., 1 Mass. App. Ct. at 453 (*emphasis added*). See also, Trainor v, Human Resources Division, 34 MCSR 427 (2021) (denying appeal for veteran's preference after establishing that the appellant's military service was entirely for "training purposes").

The second question has also been addressed by the Appeals Court. In Greeley, *supra*, the court rejected the appellant's state and federal equal protection claims, stating

> Clearly the Legislature may afford some classes of veterans a greater preference than others. See *Hutcheson v. Director of Civil Service, Mass*. (1972), 281 N.E.2d 53. We think it equally clear that the Legislature may provide a lesser preference or no preference at all for some classes of persons who have performed military duties, provided that the classification is not arbitrary or unreasonable.
>
> With regard to the petitioner's history as a reservist in 1965, we perceive nothing arbitrary or unreasonable in the distinction the Legislature has drawn between a person whose military career (but for an illness requiring hospitalization) was confined to participation in a two-week training program on the one hand, and a person whose military commitment extended over a far more substantial period of time and included accomplishment of the objects for which those training programs were conducted, on the other. See *Dunn v. Commissioner of Civil Service*, 281 Mass. 376, 186 N.E. 889 (1933); *Weiner v. Boston,* 342 Mass. 67, 172 N.E.2d 96 (1961). What has been said applies as well to the petitioner's annual two-week training duty in the army national guard prior to 1965.

Id., 1 Mass. App. Ct. at 454-55. See also, Dhanji v. Department of Veterans Services, 104 Mass. App. Ct. 1195, *rev. den*., 494 Mass. 1105 (2024) (unpublished) (affirming judgment that exclusion of service with the United States Public Health Service from definition of "veteran" was did not violate the equal protection clause, citing *Greeley*).

I also have considered whether the recent legislative changes made to Chapter 115 and Chapter 31 warrant revisiting the precedent set forth in Greeley and Djanji. I find it significant that, despite all of those changes, the Legislature left intact the core definition of a "veteran" as set forth in G.L. c. 4, § 7, which is the controlling statute when it comes to the meaning of a "veteran" for purposes of the preference established by HRD through PAR.14(2). I find the distinction that a person who is receiving state or federal veteran's benefits or state veteran's benefits under Chapter 115 may not be qualified for the civil service veteran's promotional preference under PAR.14(2) passes the test for reasonableness enunciated in Greeley and Djanji. Similarly, the insertion of a new definition of a "disabled veteran" seems to incorporate the prior requirement that a person must first qualify as a "veteran" within the meaning of G.L. c. 4, § 7, before applying the new test for "disabled veteran". Were this not the legislative intent, I would expect greater clarity in the amendment to that effect, as statutory civil service rights (not just the PAR.14 veterans' promotional preference) regarding original appointments and layoffs would be affected. See, e.g., G.L. c. 31, § 26 (placing disabled veterans at the top of eligible list for original appointment and requiring that disabled veterans be retained in employment in preference to all other persons). In sum, I discern no compelling evidence that the 2024 changes to Chapter 115 and Chapter 31 should be construed to affect the core definition of "veteran" in Chapter 4 upon which the veteran's preference in PAR.14(2) [as well as other civil service rights] depends, or that the 2024 amendments evince an intent to overrule Greeley or Djanji.

That said, the public policy anomaly that the Appellant's situation presents remains – he is a disabled veteran that the Legislature deems worth of substantial financial and other benefits preferences under Massachusetts law but, based on the technicalities of statutory construction as to Chapter 31 and PAR.14 as currently written, he does not get the benefit of a veterans' preference in civil service promotions. The Commission is not empowered to overrule the statute. The appropriate remedy lies with the Legislature or, possibly, HRD (via PAR amendment).

CONCLUSION

For the reasons stated above, HRD's Motion to For Summary Decision is ***allowed***, DOC's Motion to Dismiss is ***allowed***, and the Appellant's appeal under Docket Number B2-24-170 is ***dismissed***.

Civil Service Commission

/s/Paul M. Stein
Paul M. Stein
Commissioner
By vote of the Civil Service Commission (Bowman, Chair; Dooley, Markey, McConney and Stein, Commissioners) on June 12, 2025.

Either party may file a motion for reconsideration within ten days of 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 to:
Christopher Peckham (Appellant)
Erik Hammarlund, Esq. (for Respondent HRD)
Eamonn M. Sullivan, Esq. (for Respondent DOC)