

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION
One Ashburton Place – Room 503
Boston, MA 02108
(617) 727-2293**

VINCENT PETERS,

Appellant

CASE NO. G1-18-124

v.

CITY OF NEW BEDFORD,

Respondent

ORDER OF DISMISSAL

The Appellant, Vincent Peters, appealed to the Civil Service Commission (Commission), acting pursuant to G.L.c.31,§2(b), to contest his bypass by the City of New Bedford (New Bedford) for appointment as a full-time permanent Police Officer with the New Bedford Police Department (NBPD). On January 16, 2019, the parties submitted a “Joint Petition for 310 Relief” which stated, in part: “On September 25, 2018, after reviewing Mr. Peters’ new employment application and interviewing him, the New Bedford Police Department made a conditional offer of employment to him for the position of police officer.” The Joint Petition, however, does not represent that Mr. Peters’ civil service rights were violated through no fault of his own, which is a predicate to the Commission’s granting relief under Chapter 310 in this matter. Rather, the Joint Petition expressly states that the parties consider this action as “a settlement and a compromise of a disputed claim and said settlement is not to be construed as an admission of liability or of the truth of any of the allegations [made by Mr. Peters in his bypass appeal]”.

Accordingly, the Commission **ORDERS**: the appeal of the Appellant, Vincent Peters, in CSC Docket No. G1-18-124 is ***dismissed as moot***.

Civil Service Commission

/s/Paul M. Stein

Paul M. Stein, Commissioner

By 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:

Jared S. Burke, Esq. (for Appellant)

Elizabeth Treadup Pio, Esq. (for Respondent)

Mark Detweiler, Esq. (HRD)