

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

100 Cambridge Street, Suite 200
Boston, MA 02114
617-979-1900

ANGELA PHANEUF,
Appellant

v.

DEPARTMENT OF CORRECTION,
Respondent

Docket Number:

D1-24-098

Appearance for Appellant:

Angela Phaneuf (*pro se*)
Auburn, MA

Appearance for Respondent:

Martin C. Lyons
Julie E. Daniele
Department of Correction
Division of Human Resources
50 Maple Street
Norfolk, MA 02056

Commissioner:

Angela McConney

SUMMARY OF DECISION

The Commission denied the appeal, finding that the Department of Correction had just cause to terminate the Appellant's employment where her conduct was violative of the Department's Rules and Regulations. In addition to her failure to maintain professional boundaries with inmates, the Appellant pleaded guilty to possession of a Class B substance after conspiring with an inmate and his relative to bring synthetic cannabinoids into the correctional facility.

DECISION

INTRODUCTION

The Appellant, Angela Phaneuf (Appellant or Ms. Phaneuf), acting pursuant to G.L. c. 31, § 43, timely appealed to the Civil Service Commission (Commission), contesting the June

18, 2024 decision of the Department of Correction (Department or DOC) to terminate her from her service as Correction Officer I/Head Cook.

The Commission held a pre-hearing conference on July 30, 2024 via remote videoconference. On September 30, 2024, this Commissioner denied Ms. Phaneuf's motion to exclude the testimony of two Auburn police officers.¹ On October 8, 2024, I conducted an evidentiary hearing at the offices of the Commission, located at 100 Cambridge Street, Boston, Massachusetts.² I recorded the hearing via the Webex platform, and forwarded a link to this recording to both parties.³ The parties filed post hearing briefs in November 2024, whereupon the administrative record closed.

FINDINGS OF FACT

I admitted six exhibits from the Appellant (A. Exhibits 1-6), and twenty exhibits from the Respondent (R. Exhibits 1-20). I admitted the Appellant's appeal form as A. Exhibit 7. Based on the documents entered into evidence, the testimony of the following witnesses:

Called by the Appellant:

- Angela Phaneuf, the Appellant

¹ I ruled that Ms. Phaneuf had mistakenly interpreted Chairman Bowman's statements from the July 30, 2024 prehearing conference. The Department made it clear that Ms. Phaneuf was terminated from employment as a result of a joint Department/State Police investigation, culminating in her arrest for receiving balloons containing controlled substances and a large sum of cash from an inmate's relative. Ms. Phaneuf had pleaded guilty and remained on probation at the time of the prehearing conference.

² The Standard Adjudicatory Rules of Practice and Procedure, 801 C.M.R. § 1.01 (formal rules), apply to adjudications before the Commission with Chapter 31 or any Commission rules taking precedence.

³ Should there be a judicial appeal of this decision, the plaintiff in the judicial appeal would be obligated to supply the court with a transcript of this hearing to the extent that they wish to challenge the decision as unsupported by the substantial evidence, arbitrary and capricious, or an abuse of discretion. In such cases, the plaintiff in the judicial appeal must transcribe the transcript from the Commission's official recording.

Called by the Respondent:

- Cpt. Ryan Desmond, Department Office of Investigative Services
- Lt. Kasondra Finn, Department Professional Standards Unit
- Ray Burton, Massachusetts State Trooper
- Tyler Bresse, Auburn Police Detective/Officer (testified remotely via Webex)
- Adam Gustafson, Auburn Police Officer (testified remotely via Webex)

and taking administrative notice of all pleadings filed in this case, plus pertinent rules, statutes, regulations, case law and policies, and drawing reasonable references from the credible evidence, I make the following findings of fact:

Background Information

1. Angela Phaneuf has worked for the Department of Correction as a Correction Officer I/Head Cook since July 7, 2019. At all times relevant to this appeal, Ms. Phaneuf was assigned to Souza Baranowski Correctional Center (SBCC). (Testimony of Appellant)

2. As an employee of the Department, Ms. Phaneuf was required to comply with the Rules and Regulations Governing All Employees of the Department of Correction (Rules and Regulations) and DOC policies. (R. Exhibits 1-3)

3. All Department employees are trained regarding the importance of maintaining boundaries when working with inmates. For the safety of both employees and inmates, employees are required to have very minimal contact with inmates and may not have personal conversations with them. (Testimony of Finn)

4. Ms. Phaneuf has been participating in the Department's STRESS program since 2022 for alcohol and substance abuse issues. (A. Exhibit 6; Testimony of Appellant)

5. Ms. Phaneuf was a tenured civil service employee at the time of her termination on June 18, 2024. (R. Exhibit 4; Testimony of Appellant)

Disciplinary History

6. The Department has suspended Ms. Phaneuf five times. On September 19, 2022 the Department issued her a five-day suspension for “multiple boundary violations with an inmate, including conversations not related to work, failure to report inmate threats, permitting inmate to get food” (R. Exhibit 11)

7. The Department issued Ms. Phaneuf a June 8, 2022 letter of reprimand for calling in sick with insufficient sick leave available to cover the absence. (R. Exhibit 11)

8. On February 2, 2023, the Department suspended Ms. Phaneuf for one day for calling in sick with insufficient sick leave available to cover the absence. (R. Exhibit 11)

9. On February 9, 2023, the Department suspended Ms. Phaneuf for three days for calling in sick with insufficient sick leave available to cover the absence. (R. Exhibit 11)

10. On March 17, 2023, the Department suspended Ms. Phaneuf for five days for calling in sick with insufficient sick leave available to cover the absence. (R. Exhibit 11)

11. On March 24, 2023, the Department suspended Ms. Phaneuf for one day for failing to remain on duty due to operational needs when she failed to remain on duty for forced overtime. (R. Exhibit 11)

Current Disciplinary Matter

12. On or around February 2023, a source informed the Department that Ms. Phaneuf was transporting controlled substances, namely synthetic cannabinoids, into the SBCC facility for monetary gain. Drug smuggling was already a significant problem at the SBCC. (R. Exhibit 7)

13. The presence of narcotics, particularly synthetic cannabinoids, poses serious risks to the health and safety of the incarcerated individuals and employees. Synthetic cannabinoids are smuggled into SBCC on pieces of paper, then traded/sold on the black-market within the

facility. These drugs are laced with chemicals and cause unpredictable responses when ingested.

(R. Exhibit 13; Testimony of Desmond)

14. SBCC investigators categorize matters that remain within the institution for investigation as “Category 1” matters. Matters that are referred out for external investigation are categorized as “Category 2” matters. (Testimony of Finn)

15. The Department flagged Ms. Phaneuf’s conduct as a “Category 2” matter, and referred the matter to the Office of Investigative Services (OIS) in the Department’s Central Division in February 2023. (R. Exhibits 7 and 10; Testimony of Finn)

16. Following the referral to OIS, the State Police convened a State Police Department of Correction (DOC) Task Force (Task Force) to assist SBCC Investigators. (R. Exhibit 7; Testimony of Desmond, Testimony of Burton)

17. The State Police DOC Task Force included Cpt. Ryan Desmond and Tpr. Ray Burton. Cpt. Desmond has been employed by the Massachusetts State Police for 24 years. He is one of two State Police captains in the OIS. Tpr. Burton has been employed by the State Police since 2011. He serves as a liaison to the Department and conducts narcotics investigations within the prison system. (Testimony of Burton, Testimony of Desmond)

18. The Task Force investigated “... a drug smuggling operation...reportedly involving a DOC officer [Ms. Phaneuf], an inmate kitchen worker, and civilian associates.” The Task Force’s investigation reviewed and cross-referenced various telephone numbers, monitored ongoing telephone calls, and conducted surveillance both within the facility and in the community. (Testimony of Desmond, Testimony of Burton)

19. The Task Force learned that Ms. Phaneuf planned to meet the family member (Ms. Y) of a specifically identified SBCC inmate (Inmate X) on or about May 1, 2023, at an

unknown location, to receive drugs for SBCC distribution in exchange for monetary payment.

(Testimony of Desmond)

20. The Task Force later learned that the meeting place was a McDonald's restaurant in Webster, MA. On May 1, 2023, Tpr. Burton, Lt. (now Captain) Desmond, Lt. Todd Smith, Lt. Dustin Belland, Sgt. Fletcher Beach, Sgt Chris Deveneau, and COI Jon Thomas convened as a team to apprehend Ms. Phaneuf and the conspirators. (R. Exhibits 7 and 9; Testimony of Desmond, Testimony of Burton.)

21. Through its ongoing surveillance, the Task Force observed Ms. Phaneuf and Ms. Y drive contemporaneously from their separate residences to the restaurant. Another civilian, Ms. Z, traveled in Ms. Y's car. (Exhibit 7; Testimony of Desmond)

22. In addition to the Task Force surveillance, the McDonald's exterior security camera video recorded the rendezvous as both motor vehicles arrived in the McDonald's parking lot. Tpr. Burton also activated his body camera. (R. Exhibits 7 and 9; Testimony of Desmond, Testimony of Burton)

23. Ms. Phaneuf got out of her motor vehicle and entered the back seat of Ms. Y's motor vehicle. (R. Exhibits 7 and 9; Testimony of Desmond)

24. After approximately ten (10) minutes, Ms. Phaneuf got out of Ms. Y's motor vehicle and entered the McDonald's. The Task Force officers stopped Ms. Phaneuf as she returned to her own motor vehicle. (R. Exhibits 7 and 10; Testimony of Desmond)

25. When the officers asked Ms. Phaneuf what she had received, she said that she had received cash and placed it within her purse. (R. Exhibits 7 and 9)

26. The officers examined Ms. Phaneuf's purse and found four red balloons and a bank envelope containing thirty-three (33) \$100 bills inside a tissue box. The red balloons contained synthetic cannabinoids: approximately 80 strips of sublingual buprenorphine and 37

driver's license-sized pieces of chemically laced sheets of paper. The officers photographed the opening of the red balloons and their contents on the hood of one of their motor vehicles, while Tpr. Burton's bodycam and the restaurant security camera were recording. (R. Exhibits 7, 9 and 10; Testimony of Desmond)

27. The estimated black-market value of the seized drugs was \$87,500. The precise value of the contraband would vary based on time, and supply and demand within the prison. (R. Exhibit 7; Testimony of Desmond)

28. Tpr. Burton mirandized Ms. Phaneuf before arresting and charging her with the offenses of possession of Class B substances [G.L. c. 94C, § 34]⁴ and possession with the intent to distribute Class B substances [G.L. c. 94C, 34A(a)],⁵ a felony. (R. Exhibits 7 and 9; Testimony of Burton, Testimony of Appellant)

29. Ms. Phaneuf denied knowing that there were drugs in the tissue box and stated that she was expecting only cash for "financial help." (R. Exhibit 7)

30. Ms. Phaneuf was also in possession of two cell phones. She admitted that one of the cell phones was a "burner phone" that she had received previously from one of the "civilians" that she had met at the restaurant. (R. Exhibit 7)

31. At first, Ms. Phaneuf denied knowing the "civilians'" names or who had arranged the rendezvous. She then admitted that Inmate X, who worked in the prison kitchen, had connected her with one of the "civilians" for financial assistance. The Task Force had identified

⁴ No person knowingly or intentionally shall possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, ... any person who violates this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.

⁵ Any person who knowingly or intentionally manufactures, distributes, dispenses or *possesses with intent* to manufacture, *distribute* or dispense *a controlled substance in Class B* of section 31 shall be punished by imprisonment in the state prison for not more than 10 years, or in a jail or house of correction for not more than 2 ½ years, or by a fine of not less than \$1,000 nor more than \$10,000, or both such fine and imprisonment. (Emphasis added)

Inmate X as the inmate participant in the conspiracy. Ms. Phaneuf then stated that the “civilians” were her friends, that she was going to Puerto Rico with them, but did not know Ms. Y’s first name. (R. Exhibits 7 and 9)

32. When the officers asked Ms. Phaneuf what she intended to do in consideration of the financial assistance, she first said she did not “have to do anything for it ... he’s just been giving me money,” then said that all she knew was that she “would get contacted for the next thing,” and that she was “told to wait for a call to get other stuff.” (R. Exhibit 9)

33. Ms. Z admitted to the officers that she had placed the drugs inside the balloons, and that the plan was for family member to give the drugs to a person known as “Dina,” who would then smuggle them into SBCC and give them to Inmate X. (R. Exhibit 12)

34. Ms. Z stated that she saw Ms. Y give Ms. Phaneuf the tissue box while they were sitting in the inmate family member’s car. Ms. Y informed Ms. Z that Ms. Phaneuf was “Dina.” (R. Exhibit 12)

35. In the earlier surveillance, the Task Force had heard the code name “Dina” and the number 33 (the number of \$100 bills in the tissue box) used. (R. Exhibit 7; Testimony of Desmond)

36. When Ms. Phaneuf was booked at the State Police barracks in Charlton, she informed the troopers (on video) that she was an officer. (R. Exhibit 8)

37. Ms. Phaneuf was arraigned on May 2, 2023 for the offenses of possession of Class B substances (G.L. c. 94C, § 34) and possession with the intent to distribute Class B substances (G.L. c. 94C, 34A(a). On January 19, 2024, the prosecutors dismissed the charge of possession with intent to distribute (Class B), and Ms. Phaneuf pleaded to the possession of Class B offense and received one year of supervised probation. (R. Exhibit 14; Testimony of Appellant)

38. The Department's Professional Standards Unit (PSU) launched an investigation, docketed as DOC-SBCC-23-53, led by CO Zachary Tavares⁶ and Lt. (then Sgt) Kasondra Finn. Lt. Finn has been employed with the Department since 2011. (R. Exhibit 7; Testimony of Finn.)

39. The Department detached Ms. Phaneuf with pay, effective May 2, 2023, pending the outcome of the PSU investigation. (R. Exhibit 7; Testimony of Finn)

40. The PSU investigators examined the following in order to determine whether Ms. Phaneuf had violated any of the Department's professional standards, rules, regulations or policies: the SBCC video recordings; the February 28, 2003 Massachusetts Office of Investigations Briefing Summary; the April 27, 2003 State Police Investigative Report; Tpr. Burton's May 1, 2023 bodycam video; the May 1, 2023 McDonald's security camera footage; the May 1, 2023 State Police incident report; and the court docket. (R. Exhibit 7; Testimony of Finn)

41. When Ms. Phaneuf failed to appear for two separate PSU interviews, the Department changed her status to detached without pay, effective April 11, 2024. (R. Exhibit 7; Testimony of Finn)

42. Ms. Phaneuf then appeared for the third scheduled interview on May 1, 2024. (R. Exhibit 7; Testimony of Finn)

43. After the interview, the Department returned Ms. Phaneuf's status to detached with pay, effective May 8, 2024. (R. Exhibit 7)

44. Ms. Phaneuf enrolled in the Department's STRESS in-home detox program from May 6-10, 2024. (Testimony of Appellant)

⁶ At the time of the October 8, 2024 Commission hearing, CO Tavares was deployed overseas. (Testimony of Finn)

45. In her April 11, 2024 PSU interview, which was audio-recorded, Ms. Phaneuf provided a different narrative from that provided to the officers at the May 1, 2023 arrest scene. She told the PSU officers that she had been using a dating app on an unknown online platform, she had become friendly with a person on the app, spoke with them separately from the group, met them at a party in Fall River, and then met them again near a Panera/Price Chopper. Ms. Phaneuf stated that this person had given her the “burner phone” so that her partner would not learn of their encounter. Further, Ms. Phaneuf said that this friend provided her with money because she needed financial help, and Ms. Phaneuf would repay this friend by paying for their trip to Puerto Rico later. Ms. Phaneuf said that she was unable to recall this friend’s name although she actually liked the friend and they had had approximately 10-15 personal conversations. (R. Exhibits 7- 8; Testimony of Finn)

46. Ms. Phaneuf further stated that the “civilian” called the McDonald’s meeting “the last drop off,” but when questioned further about her terms, Ms. Phaneuf emphasized that “drop-off” was the civilian’s terminology, not hers, and that she had called their appointments “meetings.” (R. Exhibit 8)

47. Ms. Phaneuf also said that she was under the influence of alcohol at the time of her arrest, so she did not know what she was saying at that time. When the PSU investigators asked if she drove to McDonald’s under the influence of alcohol, Ms. Phaneuf then said that she had not drunk enough to exceed the legal limit to drive. (R. Exhibit 8)

48. Ms. Phaneuf denied that she intended to bring drugs into SBCC, although inmates asked her to do so. She acknowledged that she neither documented nor reported those alleged requests. (R. Exhibits 7-8; Testimony of Appellant)

49. Ms. Phaneuf stated that she was around Inmate X “all the time,” that she was “lonely,” that the people she worked with “were awful,” and that she had “no attention.” She

admitted that Inmate X left her a note, but that she disposed of it without reading it. Again, she neither documented nor reported the alleged note. (R. Exhibit 8)

50. As part of the investigation, the PSU officers reviewed SBCC kitchen surveillance video. The October 21, 2022 SBCC video captured Ms. Phaneuf in conversation in close proximity to an inmate, high fiving him in the kitchen. (R. Exhibit 10(b); Testimony of Finn)

51. At her April 11, 2024 PSU interview, Ms. Phaneuf denied giving any inmate a high-five, and said that she was merely redirecting him with her hand. (R. Exhibits 7-8)

52. The October 24, 2022 SBCC video depicts Ms. Phaneuf placing her head down into her arms on the kitchen counter for several seconds while she is supposed to be monitoring inmates in the kitchen. (R. Exhibit 10(a); Testimony of Finn)

53. The March 11, 2023 SBCC video depicts Ms. Phaneuf withdrawing something from her pocket and passing it to an inmate. She then gestured to her mouth, as if instructing the inmate to swallow the item. Ms. Phaneuf and the inmate then walked in opposite directions. (R. Exhibit 10(c); Testimony of Finn)

54. When the Department searched the inmate who was recorded in the March 11, 2023 video, the investigators found a clear glove and four fragments of orange sublingual strips wrapped in paper in his possession. The fragments tested positive for buprenorphine. (R. Exhibit 7; Testimony of Finn)

55. Ms. Phaneuf stated in the PSU interview that she could not recall what she gave to that inmate, but denied that it was drugs. (R. Exhibits 7-8)

56. A still from the March 24, 2023 SBCC video depicts Ms. Phaneuf appearing to touch the tattooed arm of an inmate. (R. Exhibit 7)

57. In her PSU interview, Ms. Phaneuf denied touching the inmate's tattoo. (R. Exhibits 7-8)

58. As of May 10, 2024, Ms. Phaneuf was participating in the medical ambulatory withdrawal management protocol. (*See* Finding of Fact 4; A. Exhibit 2)

Second arrest

59. While the PSU investigation was ongoing and Ms. Phaneuf was detached from the Department with pay (and while she was subject to probation status from the court), she was arrested again on May 13, 2024. (R. Exhibit 6)

60. Ms. Phaneuf was charged with the offenses of (1) assault and battery with a dangerous weapon [G.L. c. 265, §13A]; (2) assault and battery on intimate partner [G.L. c. 265, §13M]; (3) assault and battery [G.L. c. 265, §13A]; (4) OUI Liquor [G.L. c. 90, §24J]; (5) OUI Drugs [G.L. c. 90, §24F]; and (6) negligent operation of motor vehicle [G.L. c. 90, §24E] after allegedly driving her motor vehicle into her partner. (R. Exhibit 6)

61. Officer Adam Gustafson, a patrolman with the Auburn Police Department (APD) since 2006, was dispatched to the scene of this incident on May 13, 2024. He observed Ms. Phaneuf standing over her partner, agitated and yelling and interfering with the attempts by others to render aid to him. He observed that she was barefoot and glassy-eyed. (Testimony of Gustafson)

62. Det. Tyler Bresse of the APD Detective Bureau also responded to the scene on May 13, 2024. He saw Ms. Phaneuf kick the ribs of a bystander when he tried to help her partner. When Det. Bresse interviewed Ms. Phaneuf, she admitted to having had “two nips” and doing cocaine “earlier.” She suggested that her conduct may have been a side effect of the Librium she was taking. (A. Exhibits 2-3 and 6; Testimony of Bresse, Testimony of Appellant)

63. Because of Ms. Phaneuf’s probationary status, the court scheduled a probation detention hearing for June 15, 2024. (R. Exhibit 7)

64. Forrest Ruddy, Executive Chief of Professional Standards Unit Investigative Services, signed off on the May 31, 2024 report, determining that the misconduct against Ms. Phaneuf was sustained for violations of the Department's Professional Boundaries Policy, 103 DOC 225; Rules and Regulations Governing All Employees of the Department of Correction: General Policy 1; Rule 1; Rule 3(b); Rule 8(a); Rule 8(c); Rule 9(b); Rule 17(b) and Rule 19(c); and the Department's Vision Statement and Mission, 103 DOC 100.00 *et seq.* (R. Exhibits 1-3, 7)

65. The Department's *Professional Boundaries Policy*, 103 DOC 225, provides in pertinent part:

It is the Department's policy to ensure that all employees, contractors, and volunteers maintain professional boundaries with inmates.... All allegations and incidents involving the violations of professional boundaries shall be reported and fully investigated and may result in action ranging from discipline, including termination, to criminal prosecution.... Violations of professional boundaries include but are not limited to misuse of power and control over an inmate; giving to or receiving from an inmate any unauthorized item; granting special privileges of any kind to an inmate; spending excessive time with an inmate that is not warranted by official duties; discussing the personal life of any employee, including one's self, with an inmate or in the presence of an inmate ... engaging in any act that may undermine the ability or any employee to effectively manage an inmate. Similar behavior with the family member or friend of an inmate may also be a violation of a professional boundary.

(R. Exhibit 3)

66. *DOC Rule and Regulation General Policy 1* provides, in pertinent part:

Nothing in any part of these rules and regulations shall be construed to relieve an employee of his/her primary charge concerning the safe-keeping and custodial care of inmates or, from his/her constant obligation to render good judgment and full and prompt obedience to all provisions of law, and to all orders not repugnant to rules, regulations, and policy issued by the Commissioner, the respective Superintendents, or by their authority.... Your acceptance of appointment to the Massachusetts Department of Correction shall be acknowledged as your acceptance to abide by these rules and regulations....

(R. Exhibit 1)

67. *DOC Rule and Regulation Rule 1* provides:

You must remember that you are employed in a disciplined service which requires an oath of office. Each employee contributes to the success of the policies and procedures established for the administration of the Department of Correction and each respective institution. Employees should give dignity to their position and be circumspect in personal relationships regarding the company they keep and the places they frequent.

(R. Exhibit 1)

68. *DOC Rule and Regulation Rule 3(b)* provides:

Employees shall not inappropriately intercede with persons not connected with the institution or Department of Correction, other than their attorney or employees' organization, to use their influence relative to tempering disciplinary action or other impending action of the appointing officer, affecting yourself or another employee.

(R. Exhibit 1)

69. *DOC Rule and Regulation Rule 8(a)* provides:

Relations with inmates may be twofold, that of counselor and disciplinarian simultaneously, which will require your utmost tact and diplomacy. For those employees having job responsibilities which require inmate contact, your attitude toward inmates should be friendly not familiar, firm not harsh, vigilant not unduly suspicious, strict not unjust. Your leadership ability may be enhanced by the professional image you project.

(R. Exhibit 1)

70. *DOC Rule and Regulation Rule 8(c)* provides, in pertinent part:

You must not associate with, accompany, correspond or consort with any inmate or former inmate except for a chance meeting without specific approval of your Superintendent, DOC Department Head or the Commissioner of Correction. Any other outside inmate contact must be reported to your Superintendent, DOC Department Head or the Commissioner of Correction. Treat all inmates impartially; do not grant special privileges to any inmate. Your relations with inmates, their relatives, or their friends shall be such that you should willingly have them known to employees authorized to make inquiries. Conversation with inmates' visitors shall be limited only to that which is necessary to fulfill your official duties.

(R. Exhibit 1)

71. *DOC Rule and Regulation Rule 9(b)* provides, in pertinent part:

You shall not, nor shall you allow others, to deliver or procure to be delivered for any inmate, or have in your possession with intent to deliver, to an inmate in any correctional facility; or deposit in or about any institution, or the dependencies thereof, or in any vehicle going into the premises belonging to the institution any articles of thing with the intent that an inmate shall obtain or receive it, nor shall you receive from an inmate any article of thing with intent to convey it out of the institution without the knowledge of the Superintendent or Commissioner of Correction. You shall not accept any fee or gratuity from inmates, their relatives, or their friends. In addition to the discharge of any employee who introduces contraband to a correctional facility, such person may be subject to subsequent criminal sanctions.

(R. Exhibit 1)

72. *DOC Rule and Regulation Rule 17(b)* provides:

Any substance or medication containing narcotics, barbiturates, or those known to be used by inmates as stimulants, must not be brought into an institution without the prior approval of the Superintendent or his/her direct subordinate. Failure to comply with this rule may result in disciplinary action up to and including discharge.

(R. Exhibit 1)

73. *DOC Rule and Regulation Rule 19(c)* provides:

Since the sphere of activity within an institution or the Department of Correction may on occasion encompass incidents that require thorough investigation and inquiry, you must respond fully and promptly to any questions or interrogatories relative to the conduct of an inmate, a visitor, another employee, or yourself. Pending investigation into the circumstances and your possible involvement therein, you may be detached from active duty forthwith, however, without prejudice and without loss of pay.

(R. Exhibit 1)

74. *The Department's Core Values, Vision Statement and Mission, 103 DOC 100.00 et seq.*, identifies the Department's Core Values as:

Responsible; Respectful; Honest; Caring

(R. Exhibit 2)

75. The Department issued Ms. Phaneuf a May 31, 2024 Notice of Charges and Hearing, signed by Interim Commissioner Shawn Jenkins. The Notice stated, in part:

The hearing is being convened as a result of an investigation that revealed the following:

(1) On or about May 1, 2023, you were arrested by the Massachusetts State Police in Webster, MA, and charged with a misdemeanor charge of Possession of Class B and felony charge of Possession to Distribute Class B.

(2) Prior to your arrest on May 1, 2023, investigators set up surveillance of you. The result of the surveillance was that officers stopped you with a package they believed to contain drugs. The package did, in fact, contain drugs; it contained four (4) red balloons and a bank envelope with thirty-three (33) \$100 bills. The balloons contained approximately 80 strips of Sublingual Buprenorphine and 37 “driver’s license sized” pieces of chemically laced sheets of paper.

(3) You intended to introduce the drugs into SBCC and give them to at least one (1) incarcerated individual in exchange for monetary payment.

(4) On or about January 19, 2024, you pled guilty to a reduced charge of Possession of Class B and you were sentenced to one (1) year of Supervised Probation.

(5) While working in the SBCC Kitchen, you had boundary issues with incarcerated individuals, including giving incarcerated individuals “high-fives” and being in close proximity with them outside of your official job duties.

(6) You were in personal contact with an incarcerated individual’s family member and received property from an incarcerated individual’s family member.

(7) On or about March 11, 2023, you were observed passing an unknown item to an incarcerated individual, and then making a gesture instructing him to place it in his mouth. The incarcerated individual was searched and found to be in possession of orange sublingual strips that field tested positive for Buprenorphine (Suboxone). You gave the drugs to the incarcerated individual.

(8) You were less than truthful during your interview in the aforementioned matters. You were evasive and changed your story numerous times.

(9) On or about May 2, 2023, you were detached with pay pending the results of an investigation by the Department in the aforementioned matter.

(10) On or about May 13, 2024, you got into a fight with your boyfriend. In the midst of the argument, your boyfriend left the house, and you went to drive around and find him. At the time, you were under the influence of alcohol and drugs.

(11) You found her boyfriend and accelerated your vehicle [sic] directly at him, hitting him and causing serious injury.

(12) You kicked a bystander in the ribs who was trying to help your boyfriend.

(13) You were under the influence of alcohol and/or drugs when the police arrived at the accident. You yelled at and were uncooperative with the police.

(14) On or about May 14, 2023, you were charged and arraigned on the following charges: Assault and Battery with a Deadly Weapon (Felony); Assault and Battery; Operating Under the Influence of both Alcohol and Drugs; and Negligent Operation.

(15) Your actions on May 14, 2023 violated the terms of your probation.

(R. Exhibit 5)

76. The Notice repeated the sustained charges from the May 31, 2024 investigative report, that Ms. Phaneuf's conduct was in violation of: the Rules and Regulations Governing All Employees of the Department of Correction: General Policy 1; Rule 1; Rule 3(b); Rule 8(a); Rule 8(c); Rule 9(b); Rule 17(b); and Rule 19(c); the Department's Core Values, Vision Statement and Mission, delineated at 103 DOC 100.00 et seq.; and 103 DOC 225, the Department's Professional Boundaries Policy. (R. Exhibit 5)

77. The appointing authority hearing was convened on June 6, 2024. *See* G.L. c. 31, § 41. Ms. Phaneuf testified on her own behalf; and did not present any witnesses or introduce any exhibits. CO Tavares testified on behalf of the Department. (R. Exhibit 6)

78. The hearing officer issued a report on June 7, 2024, concluding that Ms. Phaneuf had failed to offer a credible defense, and that "substantial and credible evidence" demonstrated that "her egregious conduct violated the following Rules and Regulations Governing All Employees of the Massachusetts Department of Correction: General Policy I; Rule 1, Rule 3(b); Rule 8(a); Rule 8(c); Rule 9(b); Rule 17(b); and Rule 19(c)." The report also concluded that Ms. Phaneuf "displayed inappropriate boundary issues with an inmate while on-duty which included giving to that person illicit drugs which is a violation of 103 DOC 225, Professional Boundaries." Finally, the report concluded that Ms. Phaneuf's arrest, charge and plea of guilty

to of possession of a Class B drug is a “violation of 103 DOC 100, as it relates to the Core Values of an employee of the Department, which are Responsible, Respectful, Honest, and Caring.” (R. Exhibit 6)

79. After reviewing the hearing officer’s report, Commissioner Jenkins sustained the charges and terminated Ms. Phaneuf’s employment on June 18, 2024. Commissioner Jenkins found: “In sum, your serious misconduct, as described in the above sustained charges, constitutes behavior inconsistent with the standards to which all Department of Correction employees are held.” (R. Exhibit 4)

80. At the time of her termination, Ms. Phaneuf’s second arrest and the ensuing prosecution remained an open matter. (Testimony of Appellant)

81. Ms. Phaneuf appealed to the Commission on June 27, 2024. (A. Exhibit 7)

82. During her testimony, Ms. Phaneuf admitted that she had violated the Department’s professional boundary standards by having personal conversations with inmates. (Testimony of Appellant)

83. During her testimony, Ms. Phaneuf asserted that she was unaware that she had received drugs on May 1, 2023 in the Webster McDonald’s parking lot, and that she did not know that Ms. Y was related to an inmate. She reiterated she had met Ms. Y through an online dating app. (Testimony of Appellant)

Applicable Legal Standard

A tenured civil service employee may be disciplined for “just cause” after due notice and hearing upon written decision “which shall state fully and specifically the reasons therefor.” G.L. c. 31, § 41. A tenured civil service employee aggrieved by a disciplinary decision of an appointing authority made pursuant to G.L. c. 31, § 41, may appeal to the Commission under G.L. c. 31, § 43, which provides in relevant part as follows:

If the commission by a preponderance of the evidence determines that there was just cause for an action taken against such person it shall affirm the action of the appointing authority, otherwise it shall reverse such action and the person concerned shall be returned to his position without loss of compensation or other rights; provided, however, if the employee by a preponderance of evidence, establishes that said action was based upon harmful error in the application of the appointing authority's procedure, an error of law, or upon any factor or conduct on the part of the employee not reasonably related to the fitness of the employee to perform in his position, said action shall not be sustained, and the person shall be returned to his position without loss of compensation or other rights. The commission may also modify any penalty imposed by the appointing authority.

The Commission determines justification for discipline by inquiring "whether the employee has been guilty of substantial misconduct which adversely affects the public interest by impairing the efficiency of public service." *School Comm. v. Civil Serv. Comm'n*, 43 Mass. App. Ct. 486, 488, *rev. den.*, 426 Mass. 1104 (1997). *Accord Doherty v. Civil Serv. Comm'n*, 486 Mass. 487, 493 (2020). In performing its review, the Commission hears evidence and finds facts anew.⁷

The Appointing Authority's burden of proof by a preponderance of the evidence is satisfied "if it is made to appear more likely or probable in the sense that actual belief in its truth, derived from the evidence, exists in the mind or minds of the tribunal notwithstanding any doubts that may still linger there." *Tucker v. Pearlstein*, 334 Mass. 33, 35-36 (1956).

"The commission's task, however, is not to be accomplished on a wholly blank slate. After making its de novo findings of fact ... the commission does not act without regard to the previous decision of the town, but rather decides whether 'there was reasonable justification for the action taken by the appointing authority in the circumstances found by the commission to have existed when the appointing authority made its decision.'" *Falmouth v. Civil Serv.*

⁷ Examining an earlier but substantially similar version of Section 43, the Appeals Court wrote: "We interpret this as providing for a hearing de novo upon all material evidence and a decision by the commission upon that evidence and not merely for a review of the previous hearing held before the appointing officer. There is no limitation of the evidence to that which was before the appointing officer.'" *Leominster v. Stratton*, 58 Mass. App. Ct. 726, 727-28

Comm'n, 447 Mass. 814, 823-24 (2006), quoting internally from *Watertown v. Arria*, 16 Mass. App. Ct. 331, 334 (1983).⁸

The Commission's role, while important, is relatively narrow in scope: reviewing the legitimacy and reasonableness of the appointing authority's actions. *Beverly v. Civil Serv. Comm'n*, 78 Mass. App. Ct. 182, 189, 190-91 (2010), citing *Falmouth v. Civil Serv. Comm'n*, 447 Mass. 814, 824-26 (2006). See also *Methuen v. Solomon*, Docket No. 10-01813-D, at *10 n.7 (Essex Sup. Ct., July 26, 2012). The Commission owes "substantial deference" to the appointing authority's exercise of judgment in determining whether just cause was shown. Moreover, it is inappropriate for the Commission to modify an employee's discipline where it finds the same core of consequential facts as the appointing authority regarding the misconduct of the employee but makes different "subsidiary" findings of fact. *Falmouth v. Civil Serv. Comm'n*, 61 Mass. App. Ct. 796, 797-99 (2004). In the absence of "political considerations, favoritism, or bias," the same penalty is warranted "unless the commission's findings of fact differ significantly from those reported by the town or interpret the relevant law in a substantially different way." *Falmouth*, 447 Mass. at 824.

Analysis

The Department, by a preponderance of the evidence, has proven that it had just cause to terminate Ms. Phaneuf for engaging in misconduct. Commissioner Jenkins based the reasons for termination on the fifteen sustained charges from the June 7, 2024 hearing officer report, which showed violations of numerous Department rules and regulations: General Policy 1; Rule 1;

(2003).

⁸ An action is "justified" if it is "done upon adequate reasons sufficiently supported by credible evidence, when weighed by an unprejudiced mind, guided by common sense and by correct rules of law." *Commissioners of Civil Serv. v. Municipal Ct. of Boston*, 359 Mass. 211, 214 (1971); *Cambridge v. Civil Serv. Comm'n*, 43 Mass. App. Ct. 300, 304, rev. den., 426 Mass. 1102, (1997); *Selectmen of Wakefield v. Judge of First Dist. Ct.*, 262 Mass. 477, 482 (1928).

Rule 3(b); Rule 8(a); Rule 8(c); Rule 9(b); Rule 17(b); and Rule 19(c); the Department's Core Values, Vision Statement and Mission, delineated at 103 DOC 100.00 et seq.; and 103 DOC 225, the Department's Professional Boundaries Policy.

I find that the PSU investigation was extremely thorough and comprehensive. It documented credible evidence underlying its conclusions, while also highlighting Ms. Phaneuf's lack of credibility. The investigation depended on reliable sources, including but not limited to, SBCC video camera evidence from within SBCC and video of the incidents of May 1, 2023 leading to Ms. Phaneuf's arrest.

The PSU investigation was adeptly described by Lt. Finn at the evidentiary hearing in this matter, and it is also detailed in an extensive Investigation Report with supporting documents. Further, Ms. Phaneuf's April 11, 2024 PSU interview was audio-recorded, and this audio-recording itself serves as additional evidence of her inconsistent and implausible narrative.

Furthermore, all of the Task Force surveillance that was conducted before Ms. Phaneuf's May 1, 2023 arrest was sophisticated and meticulous, and indeed, led the Task Force to uncover the precise drug smuggling operation that they had predicted. Cpt. Desmond, a seasoned investigator (OIS), testified in detail as to why and how the surveillance occurred, including how phone calls were cross-referenced, code words were deciphered, and movements of the involved individuals were monitored. From the testimony presented at the evidentiary hearing, coupled with documentary evidence, it is clear how this professional surveillance effectively led the Task Force to uncover Ms. Phaneuf's involvement in the precise drug smuggling operation even as it unfolded.

Ms. Phaneuf denied having any intent to bring drugs into SBCC, and denied that the \$3,300 that was given to her was in exchange for bringing drugs into SBCC. I find that Ms. Phaneuf's denial was belied by the credible evidence introduced at hearing. First, Ms. Phaneuf's

credibility is undermined by the fact that all of the Task Force’s meticulous prior surveillance developed as expected—including the date, the individuals involved, the amount of money exchanged, and the exchange of drugs.

Additionally, Ms. Phaneuf’s explanation that she was meeting this “civilian” solely to receive “financial help,” was belied by credible evidence and common sense. I note that the \$3,300 in cash that was provided to her purportedly solely for “financial help” was, in the first place, hidden inside a tissue box, and further, that it was hidden alongside approximately \$87,000 worth of drugs. Further, while she initially told officers at the scene that she did not “have to do anything” in exchange for the \$3300 cash, Ms. Phaneuf later contradicted this statement and said that she was told to “wait for a call...to get other stuff.”

Another indication of her lack of credibility is Ms. Phaneuf’s selective recall. It is undisputed that the “civilian” at McDonald’s had given Ms. Phaneuf \$3,300 in cash. It is undisputed that this same “civilian” had previously given her a burner cell phone. While Ms. Phaneuf stated that this “civilian” was her “friend,” whom “she liked,” and with whom she had engaged in approximately “10-15 personal conversations,” she could not recall her “friend’s” name. Further this is a “friend” with whom Ms. Phaneuf planned to travel to Puerto Rico. It is implausible that one would have this close of a connection with someone, and yet not know their first name.

Additionally, Ms. Phaneuf’s recollection of events varied. At the scene on May 1, 2023, she made no mention of her alleged online platform connection to the civilians that she had met at the McDonald’s restaurant. Only in subsequent interviews and testimony did Ms. Phaneuf provide that context, explaining that the purpose of having a “burner phone” was to keep her encounters discreet from her partner. When Ms. Phaneuf introduced the narrative that she had met this “friend” through an online platform for the first time in her April 11, 2024 PSU

interview, Ms. Phaneuf could identify neither the name of the social media platform nor her “friend’s” username on the unnamed platform.

Ms. Phaneuf’s credibility is also undercut by her blanket refusal to admit to her actions as recorded on the SBCC video recording. While the October 21, 2022 SBCC video recording shows her giving a “high-five” to inmate X, Ms. Phaneuf denies that there was a high-five or physical contact made, and instead claims she was putting up her hand to redirect Inmate X. While a still frame from the March 24, 2023 SBCC video shows Ms. Phaneuf appearing to touch the tattoo of another inmate, she denied that there was physical contact. When shown the March 11, 2023 SBCC video in which she passes an object to an inmate and gestures for him to put it in his mouth, she stated that she had no idea what she gave him, and also challenged the PSU investigators “to prove” that she had passed the inmate the drugs subsequently found his person. I credit the determination made by the Department that Ms. Phaneuf did provide this inmate with the drugs that were found on him.

Finally, while Ms. Phaneuf denied that she knew that Ms. Y was related to an inmate, this was belied by considerable credible evidence. First, the Task Force surveillance showed that Ms. Phaneuf, Inmate X, Ms. Y and Ms. Z were making plans together. Ms. Phaneuf had been given a burner phone for her calls with Ms. Y. Ms. Phaneuf is seen on the SBCC video recording in close physical proximity to Inmate X. Ms. Phaneuf admitted that she had personal conversations with Inmate X, including about her financial difficulties and difficulties with the job. Ms. Phaneuf admitted that she violated professional boundary rules by having personal conversations with Inmate X. On Tpr. Burton’s bodycam video, Ms. Phaneuf references Inmate X by name as the individual who connected her with the “civilian friend,” Ms. Y.

Ms. Phaneuf exercised her 5th Amendment right not to testify about her subsequent May 13, 2024 arrest and the pending charges of: assault and battery with a dangerous weapon; assault

and battery on intimate partner; assault and battery; OUI Liquor; OUI Drugs; and negligent operation of motor vehicle. However, the observations of Ms. Phaneuf's conduct at the scene on that date, made by and introduced into evidence by Auburn police officer Gustafson, and Auburn Det. Bresse, credibly demonstrate that the Appellant was glassy-eyed, slurring her words, stumbling, barefoot, yelling at the officers, and interfering with the rendering of aid to the victim whom she allegedly hit with her vehicle.

The only misconduct for which Ms. Phaneuf took accountability in the hearing of the instant matter was violation of professional boundaries by having personal conversations with an inmate. She had received a five-day suspension in 2022 for "multiple boundary violations." While Ms. Phaneuf's current violations of professional boundaries include having personal conversations with inmates, they also extends well beyond that. The credible evidence shows that Ms. Phaneuf placed herself in close physical proximity with inmates, delivered narcotics to an inmate, and collaborated with Inmate X to smuggle controlled substances into the SBCC for monetary gain.

To the extent that Ms. Phaneuf has asserted a defense of disparate treatment, I find that this defense is not applicable. Without providing evidence, Ms. Phaneuf has asserted that other employees with alcohol or substance abuse problems have remained employed by the Department, so she should remain employed as well. However, Ms. Phaneuf is not similarly situated to these employees who were allegedly allowed to continue DOC employment, if they exist at all. Ms. Phaneuf was not terminated on the basis of alcohol or substance abuse. She was terminated for risking the safety of every inmate, correction officer, and staff member within the correctional facility. She has not provided evidence of the Department's disparate disciplinary response to a similarly situated employee, an employee who pleaded guilty to possession of Class B, who also egregiously violated professional boundary requirements with inmates, who

introduced drugs into the correctional facility, and who conspired with an inmate and inmate's family member to smuggle narcotics into the facility for personal monetary gain.

I now examine the cited delineated Department rules and regulations as reasons for Ms. Phaneuf's termination.

In regard to General Policy 1, Ms. Phaneuf failed to fulfil her obligation to abide by the Department's rules and regulations and all provisions of law, including the constant obligation to render good judgment and the primary charge of safe-keeping and custodial care of inmates. Indeed, through her personal involvement in a drug smuggling operation at SBCC, she has instead rendered extremely poor judgment and endangered the safety of herself, other employees, and inmates. Further, she pleaded guilty to possession of class B substances; and was then arrested again on May 13, 2024, in violation of the terms of her probation, and charged with assault and battery with a dangerous weapon, assault and battery on intimate partner, simple assault and battery, OUI Liquor, OUI Drugs, and negligent operation of motor vehicle.

Although Ms. Phaneuf's probation violation hearing had not yet occurred at the time of the Department's decision to terminate her, the Department reasonably concluded that her conduct on May 13, 2024 may have violated her probation, and reasonably determined based on officer eye-witness testimony that her conduct on that day reflected poorly upon her stature as a correctional professional. The Department is a paramilitary organization where order and respect for authority is imperative to ensure the Department's efficiency and the security of its correctional institutions.

In regard to Rule 1, Ms. Phaneuf has failed to give dignity to the position of the disciplined service for which she took an oath of office. While the Department is steadfastly working to curtail the epidemic of drug smuggling into SBCC, particularly in the form of synthetic cannabinoids, the Appellant was herself befriending an inmate and working with his

relative to provide him with drugs to satisfy her personal needs for monetary and emotional support. Further, she admittedly failed to document or report instances of inmate conduct that she was required to report, including receiving a note from an inmate, and receiving requests from inmates for contraband.

In regard to Rule 3(b), Ms. Phaneuf attempted to gain favor during her May 1, 2023 booking at the State Police barracks in Charlton by informing troopers that she was an officer. Department employees are prohibited from using their influence in this way.

In regard to Rule 8(a), Ms. Phaneuf compromised her leadership by sharing personal information about her life and work difficulties with an inmate, and by bringing narcotics into the facility. At any time, she could have been subjected to blackmail by inmates aware of her violations, causing a cascading effect of disorder and lack of control that would put everyone in the facility at significant risk.

In regard to Rule 8(c), Ms. Phaneuf clearly treated at least one inmate with special privileges, and she also engaged in a drug smuggling operation with that inmate's family member for her own monetary gain. She failed to notify the Superintendent, DOC Department Head, or the Commission of Correction of these relationships. Rather than appreciate the importance of disclosure, she testified that she handled issues that she was supposed to report on her own, so that the inmates would trust her.

In regard to Rule 9(b) and Rule 17(b), Ms. Phaneuf flagrantly disseminated narcotics within SBCC, and accepted \$3300 cash in exchange for agreeing to smuggle \$87,000 worth of narcotics into SBCC, as determined through meticulous surveillance. Again, the use of narcotics within any facility is wholly prohibited and poses an enormous risk to the health and safety of the inmates and employees.

Synthetic cannabinoids in particular, laced with chemicals and appearing on sheets of paper, cause unpredictable and dangerous results when ingested. The Department is currently expending significant resources and time to thwart the introduction of these drugs into SBCC, while their employee was herself engaging in conduct completely antithetical to this cause. The Appellant also delivered other “contraband items” to inmates within the facility, such as a glove and a hair tie.

In regard to Rule 19(c), while full and prompt cooperation is required when an employee is questioned by an institution or the Department, Ms. Phaneuf failed to appear for two scheduled PSU interviews, only appearing after her employment status was changed to detached without pay. Her testimony at her PSU interview was riddled with inconsistencies and ongoing denials in the face of credible evidence.

In regard to the Department’s Core Values, Vision Statement and Mission, Ms. Phaneuf failed to demonstrate the Department’s core values of “Responsible, Respectful, Honest, and Caring.” She instead exercised extremely poor judgment, and engaged in dangerous criminal activity, for monetary benefit, and at the expense of her colleagues and the inmates. She pleaded guilty to possession of Class B drugs and received a sentence of one-year of court supervised probation. Further, upon the Department’s investigation of alleged violations of the agency’s Rules and Regulations, she failed to appear for interview dates, provided inconsistent explanations, and took accountability only for having personal conversations with an inmate.

In regard to 103 DOC 225, the Department’s Professional Boundaries Policy, Ms. Phaneuf admitted that she told Inmate X that she was having financial difficulties and that she did not like how she was treated at work. Her rationale for doing so was that she “was lonely” and she was “around him all the time.” Ms. Phaneuf lacks insight into the importance of professional boundaries. Beyond these personal conversations, she was recorded on SBCC video

in close proximity to and making physical contact with inmates (giving a high-five, and touching a tattoo), and she is seen passing an inmate a package later determined to be narcotics. The breakdown of the professional boundary between a Department employee and an inmate is the catalyst for a loss control of the security of the institution. Compromised employees become blackmail targets, thwart the Department's efforts to maintain order and security, and can result in a transfer of power to inmates, all of which exposes everyone within a facility to a serious risk of harm.

Having determined that it was appropriate to discipline Ms. Phaneuf, I must determine if the Department was justified in the level of discipline imposed here; i.e., termination. The Commission must consider that "unless the [Commission's] findings of fact differ significantly from those reported by the town or interpret the relevant law in a substantially different way, the absence of political considerations, favoritism or bias would warrant essentially the same penalty." *Falmouth v. Civil Serv. Comm'n*, 447 Mass. at 824.

Based on testimony given and evidence presented, the Department had just cause to terminate Ms. Phaneuf and has stated sound and sufficient grounds for doing so. Further, the termination is consistent with the principle of progressive discipline. Ms. Phaneuf was previously disciplined for violating professional boundaries with inmates. In the instant matter, she has done so again: engaging in the egregious conduct of smuggling drugs into the SBCC, coupled with pleading guilty to possession of Class B drugs.

Ms. Phaneuf's conduct brought a risk of serious harm to everyone within the institution, and it flies in the face of the Department's concerted efforts to thwart the current drug smuggling problem at SBCC. Where the Department's core mission is the safekeeping and custodial care of the inmate population, it cannot be expected to assume the significant risk of her employment.

I see no evidence that the appointing authority's decision was based on political considerations, favoritism or bias. Thus, the Department's decision to discipline the Appellant is "not subject to correction by the Commission." *Cambridge*, 43 Mass. App. Ct. at 305.

Based on the preponderance of credible evidence presented at the hearing, I conclude that the Department of Correction had just cause to terminate Angela Phaneuf. Accordingly, the Appellant's appeal docketed at D1-24-098 is hereby denied.

Civil Service Commission

/s/ Angela C. McConney
Angela C. McConney
Commissioner

By vote of the Civil Service Commission (Bowman, Chair, Dooley, McConney, and Stein, Commissioners [Markey – Absent]) on April 3, 2025.

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 C.M.R. § 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:
Angela Phaneuf (Appellant)
Martin C. Lyons, Esq. (for Respondent)
Julie E. Daniele, Esq. (for Respondent)