

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

One Ashburton Place: Room 503
Boston, MA 02108

SCOTT PULCHANSINGH,
Appellant

v.

B2-15-104

HUMAN RESOURCES DIVISION,
Respondent

Appearance for Appellant:

Pro Se
Scott Pulchansingh

Appearance for Respondent:

Mark Detwiler, Esq.
Human Resources Division
One Ashburton Place: 211
Boston, MA

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

On May 29, 2015, the Appellant, Scott Pulchansingh (Mr. Pulchansingh) pursuant to G.L. c. 31, §§ 22-24, filed an appeal with the Civil Service Commission (Commission), contesting the education and experience credit he received for a recent promotional examination for Sergeant in the Boston Police Department (BPD).

On June 23, 2015, I held a pre-hearing conference, which was attended by Mr. Pulchansingh, counsel for HRD, counsel for the BPD and the BPD's Director of Human Resources.

Although HRD delegated the most recent promotional examination for sergeant (and other superior officer positions) to the BPD, HRD was responsible for calculating the education and experience (E & E) component of the examinations.

All candidates were instructed to forward their E&E appeals to the BPD, which would, in turn, forward them to HRD. Candidates were reminded of the requirement to submit E&E appeals within the statutory timeframe in G.L. c. 31, § 22.

Here, it is undisputed that:

- On March 20, 2015, the BPD notified Mr. Pulchansingh of his E&E score;
- Pursuant to G.L. c. 31, § 22, Mr. Pulchansingh had until April 6, 2015 to submit an E&E appeal to HRD via the BPD.

At the pre-hearing conference, the BPD stated that they never received an E&E appeal from Mr. Pulchansingh. Mr. Pulchansingh stated that he sent a written appeal to the BPD's Director of Human Resources via the BPD's "interoffice mail", but that he did not retain a copy of this correspondence. When Mr. Pulchansingh inquired with BPD's Director of Human Resources about the appeal sometime after April 6, 2015, he was told that no appeal was ever received. On May 29, 2015, Mr. Pulchansingh filed the instant appeal with the Commission.

G.L. c. 31, § 24 "allows the Commission to dismiss petitions regarding the grading of examinations that have not first been reviewed by the personnel administrator [HRD]."

Lincoln v. Personnel Adm'r of the Dep't of Personnel Admin., 432 Mass. 208, 211 (2000). Mr. Pulchansingh cannot show that he first filed an appeal with HRD (via the BPD).

For these reasons, Mr. Pulchansingh's appeal is *dismissed*.¹

Civil Service Commission

/s/ Christopher Bowman

Christopher C. Bowman

Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell and Stein, Commissioners) on July 9, 2015.

Either party may file a motion for reconsideration within ten days of the receipt of this Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(1), the motion must identify a clerical or mechanical error in this order or decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration does not toll the statutorily prescribed thirty-day time limit for seeking judicial review of this Commission order or decision.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by this Commission order or decision may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of this order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of this Commission order or decision. 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:

Scott Pulchansingh (Appellant)

Mark Detwiler, Esq. (for Respondent)

Nicole Taub, Esq. (Boston Police Department)

¹ It is noteworthy that, based on an overview provided by HRD at the pre-hearing conference, it appears that Mr. Pulchansingh received all of the E&E credit he was seeking.